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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL MARTIN, Defendant.	NO. CR 14-00093-5 JSW UNITED STATES' SENTENCING MEMORANDUM Sentencing Date: December 6, 2016

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The United States requests that the Court sentence defendant Michael Martin to a term of 384 months (32 years) of imprisonment, 5 years of supervised release, a $500 special assessment, and restitution as set forth herein.

I. INTRODUCTION

On April 10, 2014, defendant Martin was added to existing robbery and conspiracy charges against four other defendants in case CR 14-00093 JSW. Martin was charged in the Superseding Indictment in four counts: conspiracy to commit robbery affecting interstate commerce (Count One), and four separate counts of robbery occurring on July 3, 2013, July 11, 2013, August 6, 2013, and October 4, 2013 (Counts Three through Six). In addition to the four codefendants in case CR 14-00093 JSW, coconspirator Clarence Andrews was charged in a separate case, CR 14-00094 YGR, which was related but not reassigned, and pleaded guilty to conspiracy to commit robbery and admitted at the time of his plea to his participation in the conspiracy and in five separate robberies.

The chart set forth herein shows the relative sentences received by those who entered pleas in open Court, with Judgments entered as part of the public record.

NAME/CASE NO.	AGE	NO. ROBBERIES ADMITTED	TYPE OF PLEA	CHC	SENTENCE
Davis/CR 14-00093 JSW	19	1	C	II	41 months
Evans/CR 14-00093 JSW	19	1	C	III	46 months
Cotton/CR 14-00093 JSW	20	5	C	III	70 months
Andrews/CR 14-00094 YGR	38	5	Open	VI	210 months

II. CONVICTIONS AND RELEVANT CONDUCT

Defendant Martin was the only charged robbery conspirator who did not plead guilty. A jury trial against Martin began on January 19, 2016. Martin testified on his own behalf at trial. He denied committing any of the robberies or conspiring to commit robbery, and tried to explain away all of the incriminating evidence mounted against him. On February 4, 2016, the jury returned verdicts of guilty on all charged counts – four separate substantive robberies and participation in the overarching conspiracy to commit robbery affecting interstate commerce.

At trial, the government presented evidence showing that for nearly a year from late 2012 until December 2013, federal and local law enforcement investigated a string of robberies in the Bay Area occurring with similar modus operandi involving luring and robbing victims selling jewelry items on Craigslist. The scheme worked like this: an individual selling jewelry on Craigslist is contacted by an individual who identifies himself as a jewelry buyer from the Bay Area. The purported buyer often stated he was a music producer, or in the market to buy an engagement or wedding ring. The purported buyer communicated with the sellers via text, telephone, and email and lured the sellers out to the Bay Area, often from other states, or Southern California. Sometimes the purported buyer purchased a plane ticket for the seller, or promised to reimburse the seller for their travel. The purported buyer hired a limousine or arranged for a coconspirator to rent an SUV and pick the victim-seller up at a Bay Area airport. The purported buyer told the victim-seller that the limousine was taking the seller to a bank, jewelry appraiser, or other safe-sounding public place for the sale of the item. The airport limousine then traveled to an isolated location where other coconspirators lay in wait, often with firearms, to rob the victim seller.

Two participants in the robbery scheme testified at trial. Participant A testified that he/she was personally involved in more than 10 robberies during the charged conspiracy period. Participant A estimated that defendant Martin was present and robbed the victims with Participant A five or six times.

Q. YOU TALKED A LITTLE BIT ABOUT HOW MANY ROBBERIES WERE IN THE CONSPIRACY PERIOD -- HOW MANY ROBBERIES THE CREW COMMITTED DURING THE CONSPIRACY PERIOD.
HOW MANY ROBBERIES OR ATTEMPTS WERE YOU PERSONALLY INVOLVED IN?
A. I'M NOT -- I DON'T KNOW THE EXACT NUMBER.
Q. YOU CAN GIVE AN APPROXIMATE NUMBER.
A. DEFINITELY MORE THAN TEN.
Q. MORE THAN TEN. HOW MANY OF THOSE INVOLVED THE DEFENDANT?
A. LIKE AROUND FIVE, SIX, SOMEWHERE AROUND THERE.
Q. WHEN I MEAN INVOLVE THE DEFENDANT, WHEN HE WAS THERE ROBBING THE VICTIMS WITH YOU.
A. RIGHT.

Exhibit 1, Excerpts from Reporter's Transcript (hereinafter "R.T."), at 1057.

Participant B testified that during the conspiracy period he/she pleaded to, he/she estimated the number of robberies committed by the conspiracy at 18 or 19. Participant B testified about details relating to at least 6 completed robberies that the defendant Martin participated in, as well as the planned robbery thwarted by law enforcement on December 16, 2013.

Q. NOW, I WANT TO TALK TO YOU A LITTLE BIT ABOUT THAT SCHEME. WHEN YOU PLEADED GUILTY, CAN YOU TELL US SOME OF THE DETAILS ABOUT THAT ROBBERY SCHEME THAT YOU PLEADED GUILTY TO? WHAT WAS THE TIME FRAME OF THE ROBBERY CONSPIRACY THAT YOU PLEADED GUILTY TO?
A. FROM NOVEMBER 2012 TO DECEMBER 2013.
Q. AND WHO WAS -- WELL, FIRST LET ME ASK YOU, APPROXIMATELY HOW MANY ROBBERIES WAS THE CONSPIRACY THAT YOU PLEADED GUILTY TO RESPONSIBLE FOR?
A. I THINK ABOUT 19, 18 OR 19.

R.T. at 413-414.

The testimony is consistent with the number of robberies that other evidence reflected that Martin conspired to commit and actually carried out: the four charged robberies (July 3, July 11, August 6, and October 4, 2013), as well as two additional robberies on February 9 and April 3, 2013. Facts were elicited at trial detailing these two robberies to the extent that the Court, if it were sitting as a trier of fact, would convict the defendant of conspiring to commit these two particular robberies. *See* U.S.S.G. § 1B1.2(d) and Application Note 4.

A. February 9, 2013 Robbery (PSR, ¶ 7)

The victim, at the time of the robbery residing in Mexico but frequently visiting San Diego, posted a diamond ring valued at an estimated $55,325 for sale on Craigslist. A man using the name "Eli Reed" agreed to buy the ring. "Reed" claimed to be a music producer and he said his wife was a doctor. They agreed to meet at Summit Hospital in Oakland, where "Reed" said his wife worked. The victim traveled to Oakland and met "Reed" at the hospital. When the victim showed "Reed" the ring, "Reed" grabbed the ring and ran. The victim ran after him but was stopped by a second man, a black male, holding what the victim reported to be a black semiautomatic handgun. The man with the gun told the victim, "You got played. What are you going to do about it?" Both suspects then ran from the hospital. The victim identified Participant A (referenced above) as the individual who grabbed the ring and ran.

Participant B stated in his/her trial testimony (R.T. at 455-457):

Q. NOW, WHAT ON THE LIST HERE -- SO HE WASN'T INVOLVED IN THE, CHASE, N POLE. WHICH IS THE NEXT ROBBERY THAT THE DEFENDANT WAS INVOLVED IN THAT YOU'VE NOTED HERE?
A. OKAY. THE HOSPITAL GET AND GO. HE WAS A BACKUP DRIVER,

WHICH IS RIGHT BELOW THAT.
Q. OKAY. TELL ME ABOUT THAT ROBBERY.
A. THAT WAS -- IT WAS KIND OF A RUSH THING BECAUSE -- FOR WHATEVER REASON IT WAS A RUSH THING. AND MY SON AND HIS FRIEND WENT IN TO MEET WITH THE GUY THAT DROVE UP FROM L.A. SELLING AN EMERALD CUT DIAMOND. I THINK THEY MET AT SUMMIT HOSPITAL IN OAKLAND --
Q. WHY SUMMIT HOSPITAL?
A. I KNOW THE AREA, CLEE AND I BOTH KNOW THE AREA, SO.
Q. SO IT WAS YOUR DECISION?
A. YEAH. WE SAID THAT OUR FIANCÉE WORKED AT THE HOSPITAL SO LET'S MEET THERE SO SHE CAN LOOK AT IT.
Q. BEFORE WE TALKED ABOUT HOW YOU HAD SOMETIMES USED THE COVER STORY THAT YOU'RE IN THE MUSIC INDUSTRY WHEN TRYING TO LURE VICTIMS. SO NOW THIS WAS GETTING SOMETHING FOR YOUR FIANCÉE?
A. RIGHT.
Q. WAS THAT ANOTHER FREQUENT COVER STORY YOU USED TO GET VICTIMS?
A. YEAH, EITHER GETTING SOMETHING FOR -- AN ENGAGEMENT RING FOR MY FIANCÉE OR REPLACING MY WIFE'S ENGAGEMENT RING.
Q. WHY DID YOU USE THAT COVER STORY?
A. IT MADE SENSE. MOST PEOPLE DON'T JUST HAVE 20'S AND 30'S OF THOUSANDS OF DOLLARS LAYING AROUND TO SPEND ON THE DIAMONDS. IF WE SAY WE WERE REPLACING AN ENGAGEMENT RING FROM THE WIFE THAT WE HAD INSURED, IT SHOWED WE HAD THE MONEY.
Q. WHY WOULD YOU WANT TO MAKE IT LOOK LIKE YOU HAD THE MONEY?
A. SO PEOPLE WOULD BE COMFORTABLE.
Q. SO THAT THEY WOULD BELIEVE YOU WERE A LEGITIMATE BUYER?
A. RIGHT.
Q. YOU ALSO MENTIONED -- DO YOU KNOW THE NAME THAT YOU USED DURING THIS ROBBERY, THE SUMMIT HOSPITAL ROBBERY?
A. WE USED DIFFERENT NAMES ON ALMOST EVERY JOB. SOME JOBS WE USED THE SAME NAME, LANCE, MARCUS, DERRICK, TERRANCE.
Q. HOW DID YOU CHOOSE WHAT NAMES YOU WOULD USE?
A. WHATEVER NAME SOUND LESS THREATENING TO US.
Q. NOW, WHAT WAS THE DEFENDANT'S ROLE IN THE SUMMIT HOSPITAL ROBBERY?
A. HE WAS JUST A BACKUP DRIVER.
Q. HOW DO YOU KNOW THAT THAT WAS HIS ROLE?
A. IT WAS BECAUSE IT WAS A RUSH JOB AND HE DIDN'T HAVE ANYTHING TO DO WITH THE PLANNING OR NOTHING. I WANTED A BACKUP DRIVER THERE BECAUSE [redacted] WAS INVOLVED. AND CLEE WAS THERE AS THE MAIN DRIVER, BUT CLEE AND I WERE BOTH JUST -- WE DIDN'T WANT ANYTHING TO GO HAYWIRE SO WE NEEDED A BACKUP DRIVER.
Q. DID YOU HAVE A DISCUSSION WITH THE DEFENDANT ABOUT HIM BEING A BACKUP DRIVER?
A. YEAH, IT WAS LAST MINUTE BUT, YOU KNOW, HE WAS WITH IT. I APPRECIATED IT.
Q. DID YOU TELL HIM WHY YOU WANTED A BACKUP DRIVER?
A. YES, BECAUSE IT WAS [redacted] SON GOING IN.

B. April 3, 2013 Robbery (PSR, ¶ 7)

The victim was a diamond dealer from Indianapolis. He made arrangements to fly to Oakland to meet with "Marcus Gate" who had answered a Craigslist posting and agreed to buy a diamond from the victim. "Gate" told the victim the diamond was for his wife. When the victim arrived at the Oakland Airport, he was picked up by a limo driver who was supposed to take him to Zales to complete the sale. The limo driver, however, told him there was a change of plans and that they needed to pick up "Gate" at his music studio. When the limo neared Pardee Lane off of Edgewater Drive in Oakland, "Gate" called the victim and told him to look for him, that he would be locking up his studio and standing outside. "Gate" saw a black man who seemed to be locking a door who matched the description he had been given of "Gate." Then another black male got into the limo with the victim and pointed a chrome revolver at him and said, "Give me everything. Where's the diamond?" There was a third male suspect as well but the victim did not get a good look at him. The men stole the diamond valued at $28,500 and other personal items, including a watch valued at $2,500.

Participant B stated during his/her trial testimony (R.T. at 457-460):

Q. NOW, I WANT TO GO BACK TO EXHIBIT 50, AND WE LEFT OFF WITH ADAM AND THE NOTATION IS INDY?
A. RIGHT.
Q. WHAT DOES INDY MEAN?
A. HE CAME IN FROM INDIANAPOLIS. THAT IS WHERE HE WAS FROM.
Q. AND THIS ONE SAYS, "18, HAMED."
DOES THAT MEAN THE CREW MADE $18,000?
A. YES.
Q. HOW MUCH DID YOU GET PAID?
A. PROBABLY ABOUT 4 GRAND.
Q. WHEN YOU SAY "PROBABLY ABOUT" --
A. THERE WAS -- BECAUSE WITH MIKE, MYSELF, CLEE, [redacted], AND THEN THIS GUY WE CALL FOOTBALL AND FOOTBALL'S BROTHER WAS THERE, WE HAD TO PAY -- MORE PEOPLE TO BE PAID.
Q. FOOTBALL AND FOOTBALL'S BROTHER, DO YOU KNOW ANY OTHER NAMES OR NICKNAMES FOR THEM?
A. ZONE. ZONE IS FOOTBALL'S BUDDY, BUT HE'S NOT -- I FORGET HIS BROTHER'S NAME. I FORGET FOOTBALL'S BROTHER'S NAME.
Q. HAD YOU MET FOOTBALL OR HIS BROTHER IN PERSON?
A. NO.
Q. WHO WERE THESE PEOPLE THAT YOU REFER TO AS FOOTBALL AND HIS BROTHER? HOW DID THEY --
A. THEY WERE FRIENDS OF [redacted] AND CLEE'S.
Q. SO YOU ONLY KNOW THEY WERE INVOLVED BECAUSE OF -- DID YOU TALK TO THEM?
A. YEAH, I SPOKE WITH THEM.
Q. WHAT DID YOU SAY TO THEM?

A. JUST KIND OF WENT OVER THE PLAN, WHAT, YOU KNOW -- WHAT WAS EXPECTED, WHAT THEY WERE GOING TO DO, SO ON AND SO FORTH.
Q. WAS THIS A CALL THAT WAS JUST YOU AND FOOTBALL AND HIS BROTHER ON, OR WERE THERE MORE PEOPLE INVOLVED?
A. NO, THIS WAS A CONFERENCE CALL WITH CLEE, MYSELF, FOOTBALL, [redacted], AND HIS BROTHER.

And further, here is what Participant A stated during his/her testimony (R.T. at 1101):

Q. DID YOU AND THE CREW ROB A VICTIM FROM INDIANA?
A. YES.
Q. IS THAT ONE THAT STANDS OUT?
A. YES. I REMEMBER THAT ONE.
Q. CAN YOU TALK ABOUT THAT ONE?
A. THAT ONE HAPPENED IN OAKLAND, EAST OAKLAND, BY THE WAL-MART ON HEGENBERGER BY THE AIRPORT.
Q. HEGENBERGER ROAD?
A. HEGENBERGER ROAD OR STREET, YEAH. THAT ONE WE USED A REAL LIMO SERVICE.
Q. THAT WAS EARLY ON?
A. THIS IS EARLY ON, YEAH.
Q. EARLY 2013?
A. MARCH OR APRIL, AROUND THERE.
Q. OKAY.
A. AND THAT WAS -- THAT WAS -- MY DAD SET IT UP. CLEE WAS THERE DRIVING. DIESEL WAS THERE TO POSE AS THE BUYER TO GET THE LIMO TO STOP. I RAN UP TO THE LIMO WITH THE GUN. MY FRIEND FROM HIGH SCHOOL [redacted] RAN UP TO THE LIMO WITH THE GUN, TOO. AND HIS BROTHER DROVE HIM. HIS BROTHER'S NAME IS [redacted].
Q. THIS IS -- THIS SOUNDS SIMILAR TO ONE OF THE ROBBERIES WE TALKED ABOUT A LITTLE BIT AGO WHERE THE DEFENDANT WAS POSING AS THE BUYER STANDING ON THE SIDE OF THE ROAD?
A. RIGHT.

Additionally, Participant A testified (R.T. at 656-657) that he/she discussed with Martin in a recorded phone call about setting up this same victim again to be robbed, which the conspirators considered to be a possibility because that particular victim was in the jewelry business. At trial, the recorded phone call between Participant A and the defendant was admitted as Trial Exhibit 7E and played for the jury. Participant A testified that:

Q. WHEN WE WERE TALKING ABOUT THE BOY THAT FLEW IN BY HAGENBERGER EDGEWATER. YESTERDAY WHEN WE WERE TALKING ABOUT YOUR LIST OF ROBBERIES, THERE WAS A -- WAS IT FROM INDY?
A. ADAM FROM INDY.
Q. ADAM FROM INDY.
A. AND HAGENBERGER.
Q. AND YOU MENTIONED THAT THE LOCATION THAT THE CREW CONDUCTED THAT ROBBERY WAS NEAR A PLACE WHERE YOU COULD GO FOR THE PROBATION DEPARTMENT AND TAKE A PEE TEST, PEE IN A CUP, I THINK YOU SAID?
A. RIGHT.

Q. NOW, YOU'RE TALKING ABOUT SAYING -- "SENDING A BROAD AND MIX IT UP."
WHAT WERE YOU TALKING ABOUT?
A. WE WERE THINKING -- I WAS THINKING, JUST RUNNING IT BY HIM TO GET HIS THOUGHTS ON IT, MAYBE IF WE SEND A WOMAN AT HIM. BECAUSE THE DUDE WAS A PRIVATE JEWELER, SO I WAS THINKING MAYBE IF WE SENT A WOMAN AT HIM, SEE IF HE MIGHT BE WILLING TO FLY BACK OUT HERE BECAUSE HE WAS SO EAGER TO COME THE LAST TIME.
Q. AND THE DEFENDANT SAID, "HE AIN'T GOING TO JUMP IN THE WHIP, THOUGH."
A. RIGHT.
Q. DO YOU KNOW WHAT THE WORD "WHIP" REFERS TO? HAD YOU HEARD THE DEFENDANT USE THIS TERM BEFORE?
A. YEAH, IT MEANS VEHICLE.
Q. HAD YOU HEARD PEOPLE OTHER THAN THE DEFENDANT USE THAT TERM BEFORE?
A. YES.
Q. WHIP IS SLANG FOR VEHICLE?
A. RIGHT.
Q. AND THE DEFENDANT'S RESPONSE IS, "SHIT, I MEAN, AIN'T NOTHING WRONG WITH PUTTING A WORM ON THE HOOK AND SEE IF THAT NIGGA TAKE IT."
IS THAT RIGHT?
A. RIGHT.

C. July 3, 2013 Robbery (PSR, ¶ 7)

The jury convicted the defendant of this robbery. The victim testified at trial. The victim was a jewelry dealer based in Los Angeles. He posted diamonds for sale on Craigslist and conspirators negotiated with the victim for their purchase. The defendant's coconspirators lured the victim to the Bay Area. They picked the victim up from the Oakland Airport and drove him to an empty parking lot in back of a church where the defendant and another conspirator lay in wait. When the SUV carrying the victim arrived, the defendant and the second waiting man got into the backseat of the SUV on either side of the victim, trapping him in the SUV. The defendant's accomplice pointed a pistol at the victim, then dragged the victim out of the SUV, beat him and robbed him, and stole the diamonds, the victim's watch, and cash. R.T. at 1078. Coconspirator participants at trial testified that they believed the victim was bringing a larger, more valuable diamond. R.T. at 481. When the robbers did not find the large diamond they expected, they beat the victim. The victim suffered cuts, bruises, a broken nose, and still has trouble breathing especially during sleep due to his injuries. The victim reported that the experience changed him, "I lost that I had before. It's not the same that I have in the people." R.T. at 840.

D. July 11, 2013 Robbery (PSR, ¶ 7)

The jury convicted the defendant of this robbery. The victim testified at trial. The victim, from Washington, was robbed by the defendant and his accomplices after she flew to the Bay Area to sell a diamond she had advertised on Craigslist. In or about 2013, the victim was worried her home would fall into foreclosure, so she decided to sell the only thing she had of significant value, the diamond from her engagement ring. She was contacted by a member of the robbery conspiracy calling himself "Sean Taylor" who convinced the victim to sell him the diamond despite a buyer in New York offering to pay more. "Taylor" told the victim he wanted to replace his wife's diamond, and even had a woman speak to the victim on the phone to gain her trust. The conspirators also bought a plane ticket for the victim to travel to Oakland, and told the victim that a driving service would pick her up at the airport when she arrived. A conspirator picked the victim up in an SUV at the airport when she arrived. The victim noticed the SUV had paper dealer tags on it, blue and white or yellow in color. The victim got into the back seat and believed she was being driven to a jewelry store to complete the sale of the diamond. Instead, the SUV drove the victim to an isolated spot near a field where the defendant and a second man got into the SUV on either side of the victim, trapping her inside. The men had guns. The defendant put the victim in a headlock while his accomplice searched the victim's pockets for the diamond. R.T. at 1064. They demanded the diamond which they stole along with the victim's phone and purse. The robbers then left her on the side of the road and drove away. In addition to the victim's loss of property, she was irrevocably changed by her experience. "I don't understand this man's inhumanity to man stuff. I never was raised that way." R.T. at 249.

E. August 6, 2013 Robbery (PSR, ¶ 7)

The jury convicted the defendant of this robbery. The victim testified at trial. The victim, from Washington, flew to the Bay Area to sell a Rolex watch to a buyer who had answered the victim's ad on Craigslist. The victim was picked up from the airport by conspirators in a rented SUV disguised as a driving service. The SUV transported the victim to a parking lot in San Francisco where the defendant an accomplice got into the back seat on either side of the victim. The defendant's accomplice had a firearm. R.T. at 1090. The robbers put a blue pillow case from an Amtrak train pillow over the victim's head, and punched him repeatedly. As they beat and robbed the victim, the driver kept driving. The victim sustained large egg-like bruises over both eyes, so large his eyes were swollen shut. The robbers stole the victim's Rolex watch, another watch from his wrist, his phone, computer, and personal items. They even stole the victim's shoes off of his feet before pushing him out of the car near a fence in an unfamiliar location in San Francisco. R.T. at 1243. The victim reported that his computer back up failed and thus he also lost his life's work – all of his consulting files – which were on his laptop. The victim has suffered an increased heart rate since the robbery, and lives in fear of retaliation or further robbery because the robbers stole personal identifying information that could give them access to his home, accounts, and family. R.T. at 1265.

F. October 4, 2013 Robbery

The jury convicted the defendant of this robbery. The victim testified at trial. The victim, from Oregon, advertised a Rolex watch for sale. Conspirators answered the ad, negotiated the purchase of the watch, and flew to the Bay Area to complete the transaction. The victim trusted the purported buyer because the buyer seemed to be concerned about the authenticity of the watch, and asked the kind of questions a legitimate buyer would ask. The conspirators picked the victim up at the airport in an SUV with plastic dealer tags. The SUV was supposed to transport the victim to a bank but instead took him to a residential area in the East Bay where the defendant and Clarence Andrews (identified by the victim as "75% sure") got into the SUV, one on either side of the victim, pulled the victim's shirt over his head, and immediately began beating the victim. One of the robbers told the victim that if he looked at them or fought back he would shoot him in the back.[1] R.T. at 909. The defendant and Andrews stole the victim's Rolex watch and other personal items including his phone and wallet. In addition to his financial loss, the victim suffered lacerations and bruises to his face and jaw, and required extensive dental work. He has given up his once-enjoyable hobby of buying and selling Rolex watches. R.T. at 899, 919.

III. UNITED STATES SENTENCING GUIDELINES CALCULATIONS

The United States agrees with the accuracy of U.S. Probation's Sentencing Guidelines

[1] Testimony and language in police report including "put a bullet in your head" reported in PSR differed slightly but carried the same threat.

Calculations, except for the multiple count adjustment which the government finds should result in an adjusted offense level of 40 rather than 41. The government agrees with U.S. Probation's computation of the defendant's Criminal History Category (CHC).

A. 7/3/13 Robbery (COUNT THREE) –

a.	Base Offense Level, U.S.S.G. § 2B3.1(a):	20
b.	Firearm otherwise used, U.S.S.G. § 2B3.1(b)(2)(B):	+6
c.	Bodily Injury/Serious U.S.S.G. § 2B3.1(b)(3)(B):	+4
d.	Loss exceeded $20,000 U.S.S.G. § 2B3.1(b)(7)(B):	+1
e.	Obstruction, U.S.S.G. § 3C1.1:	+2
f.	Adjusted Offense Level:	33

B. 7/11/13 Robbery (COUNT FOUR) –

a.	Base Offense Level, U.S.S.G. § 2B3.1(a):	20
b.	Firearm brandished, U.S.S.G. § 2B3.1(b)(2)(C):	+5
c.	Bodily Injury U.S.S.G. § 2B3.1(b)(3)(B):	+2
d.	Physically restrained 2B3.1(b)(4)(B):	+2
e.	Loss exceeded $20,000 U.S.S.G. § 2B3.1(b)(7)(B):	+1
f.	Obstruction, U.S.S.G. § 3C1.1:	+2
g.	Adjusted Offense Level:	32

C. 8/6/13 Robbery (COUNT FIVE) –

a.	Base Offense Level, U.S.S.G. § 2B3.1(a):	20
b.	Firearm possessed, U.S.S.G. § 2B3.1(b)(2)(C):	+5
c.	Bodily Injury/Serious U.S.S.G. § 2B3.1(b)(3)(B):	+4
d.	Abducted U.S.S.G. § 2B3.1(b)(4)(A):	+4
e.	Loss exceeded $20,000 U.S.S.G. § 2B3.1(b)(7)(B):	+1
f.	Obstruction, U.S.S.G. § 3C1.1:	+2
g.	Adjusted Offense Level:	36

D. 10/4/13 Robbery (COUNT SIX) –

a.	Base Offense Level, U.S.S.G. § 2B3.1(a):	20

b.	Firearm possessed, U.S.S.G. § 2B3.1(b)(2)(C):	+5
c.	Bodily Injury/Serious U.S.S.G. § 2B3.1(b)(3)(B):	+4
d.	Abducted U.S.S.G. § 2B3.1(b)(4)(A):	+4
e.	Loss exceeded $20,000 U.S.S.G. § 2B3.1(b)(7)(B):	+1
f.	Obstruction, U.S.S.G. § 3C1.1:	+2
g.	Adjusted Offense Level:	36

E. Conspiracy Count (COUNT ONE):

The calculation for this Count will include the four robberies set forth above as well as two additional robberies which should be "treated as if defendant had been convicted on a separate count of conspiracy for each offense the defendant conspired to commit." U.S.S.G. § 1B1.2(d); *see also* U.S.S.G. § 3D1.2 Application Note 8. Application Note 4 to U.S.S.G. § 1B1.2 states that particular care must be taken in applying subsection (d) because there are cases in which the verdict does not establish which offenses were the object of the conspiracy. In such cases, (d) should "only be applied with respect to an object offense alleged in the conspiracy count if the court, were it sitting as a trier of fact, would convict the defendant of conspiring to commit that object offense." *Id.*

1. 1. 2/9/13 Robbery ("Summit Hospital Job") –

a.	Base Offense Level, U.S.S.G. § 2B3.1(a):	20
b.	Firearm brandished or possessed, U.S.S.G. § 2B3.1(b)(2)(C):	+5
c.	Loss exceeded $20,000 U.S.S.G. § 2B3.1(b)(7)(B):	+1
d.	Obstruction, U.S.S.G. § 3C1.1:	+2
e.	Adjusted Offense Level:	28

2. 2. 4/3/13 Robbery –

a.	Base Offense Level, U.S.S.G. § 2B3.1(a):	20
b.	Firearm brandished or possessed, U.S.S.G. § 2B3.1(b)(2)(C):	+5
c.	Loss exceeded $20,000 U.S.S.G. § 2B3.1(b)(7)(B):	+1
d.	Obstruction, U.S.S.G. § 3C1.1:	+2

e. Adjusted Offense Level: 28

F. Multiple Count Adjustment

Pursuant to U.S.S.G. § 3D1.4, the July 3, July 11, August 6, and October 4 robberies each count as 1 Unit, and the February 9 and April 3 robberies each count as .5 Unit, for a total of 5 Units. Therefore, using the group with the highest offense level (Count Five or Six), the offense level would be 36, plus 4 for multiple count adjustment (U.S.S.G. indicates to increase 4 levels for 3 ½ to 5 Units), for a total adjusted offense level of 40. For CHC III, this results in a Sentencing Guidelines range of 360 months to life imprisonment. Significantly, the government notes that if the Court were to determine that it was not appropriate to include separate Units for the February 9 and April 3 robberies, the Multiple Count Adjustment would still increase 4 levels, and the resulting Total Adjusted Offense Level would remain 40 and the Guidelines range would remain 360 to life.

G. APPLICATION OF UPWARD ADJUSTMENT FOR OBSTRUCTION

Under § 3C1.1, the Court may impose the two-level adjustment whenever a defendant's false testimony is material and willful, and not a product of confusion, mistake, or faulty memory. To impose the increase, the Court must find that (1) the defendant gave false testimony, (2) on a material matter, and (3) with willful intent. *United States v. Castro-Ponce*, 770 F.3d 819, 822 (9th Cir. 2014). The Court need only make such findings based on a preponderance of evidence. *United States v. Rafferty*, 911 F.2d 227, 231 (9th Cir. 1990) (the preponderance of evidence standard applies to obstruction of justice adjustments under § 3C1.1).

Defendant lied when he testified that he did not rob or assault any of the four victims that testified against him at trial, or even know that others had any plan to rob them. R.T. at 1488-1490. He also lied when he said that he did not participate in any way in any robbery which either cooperator testified about. R.T. at 1491. The jury believed he at least aided and abetted in four robberies, and was part of the entire overall conspiracy to commit robbery. They convicted him on all counts.

In his testimony, Martin tried to explain away every damning piece of evidence against him. The fact that he had so many explanations was in itself unbelievable, but his explanations became more and more fantastic. His most ridiculous story was his effort to explain why he was caught on tape having a phone call with one of the cooperators discussing past robberies and possible efforts to rob the same victim again. Martin claimed that he was in the car with Andrews who was trying to avoid the cooperator, and Andrews was mouthing words to Martin to say. Martin would then say the mouthed words into the phone. Given the lengthy responses, uniquely worded statements, and language patterns (using things like "I mean" and "motherf'er" which you interject naturally in language, you wouldn't mouth it and repeat it), things like, " I MEAN AIN'T NOTHING WRONG WITH PUTTING A WORM ON THE HOOK AND SEE IF THAT AND TAKE IT," and "HE AIN'T GOING TO JUMP IN THE WHIP THOUGH," and "THAT MOTHER F'ER, HE WAS ASSOCIATED WITH AN ACTUAL STORE, WASN'T HE?", Martin's story was completely preposterous. R.T. at 1740-41.

The defendant also claimed that his cell phone appeared to be in the vicinity of the July 11, August 6, and October 4, 2013 robberies, at the times of the robberies, because Andrews had told the defendant to meet him near those locations so that Andrews could give the defendant back the rental car. The defendant testified that he rented cars for Andrews, swapped cars with Andrews, and then when Andrews called, he would swap back and return the rental car. The defendant said he rented cars for Andrews because Andrews had bad credit. The defendant claimed he had no idea Andrews was using them for robberies, and said that at least twice Andrews wanted the cars to go on a "date." R.T. at 1698. This was despite Martin's admissions that Andrews had stolen his driver's license number, committed credit card fraud, returned rentals damaged or late, was involved in multiple robberies which Martin was aware of as recent as 2011, and that Andrews had multiple cars of his own without license plates. R.T. at 1667. Maybe the most ridiculous was his explanation that he gave Andrews the rental car to take to SF, then Martin himself drove Andrews's car to SF from Tracy, met him at a restaurant supply store where Andrews had bought Martin a table and put it in the rental truck. Then Martin drove the rental with the table back to Tracy, because Andrews wanted to stay in SF. R.T. at 1673-74. This just does not make sense.

And the reason he was in the same vicinity as the July robberies in Contra Costa Count on December 16, 2013 (disrupted robbery where evidence showed he was waiting for the victim to arrive in the rental), he says he was Christmas shopping. R.T. at 1710.

Martin explained that his fingerprints got on the paper license plates on the rental car intercepted on December 16, 2013, because he was moving things out of Andrews's messy cars and his prints must have gotten on the plates then. R.T. at 1609-1610, 1669-70.

Martin told the jury, under oath, not only that he did not commit any of the robberies, but that he had no idea that they were occurring and was not involved in the planning. He then went on, still under oath, to explain away all the evidence against him, to a ridiculous degree. These statements were false, the defendant knew they were false, and the defendant made these statements in an effort to mislead the jury to his unfair advantage. It does not matter that the jury was not, in fact, misled, as evidenced by their guilty verdict. *United States v. Sullivan*, 797 F.3d 623, 642 (9th Cir. 2016) (court's failure to apply enhancement because it was not actually misled by defendant was improper basis). It is enough that the defendant's false statements had the potential to obstruct justice. *Id.* In addition, the Supreme Court has rejected the view that imposing a penalty for perjury at trial violates the privilege of an accused to testify on his own behalf. *Id.*; *United States v. Dunnigan*, 507 U.S. 87, 96 (1993) ("a defendant's right to testify does not include a right to commit perjury").

The government investigated and considered whether to request an upward adjustment to the offense level under Chapter 5 for "extreme conduct." Ultimately the government does not request such an upward adjustment. Under U.S.S.G. § 5K2.8, the court may increase the sentence above the guideline range to reflect the nature of the conduct if the defendant's conduct was "unusually heinous, cruel, brutal, or degrading to the victim." Examples of extreme conduct include "torture of a victim, gratuitous infliction of injury, or prolonging of pain or humiliation." U.S.S.G. § 5K2.8. While this is essentially a fact determination for the Court, in light of (1) the Offense Level's inclusion for each separate robbery and each separate victim of enhancements for weapons used, force used, injury to the victims, restraint and kidnapping of the victims, the value of the items taken, and other egregious and aggravating circumstances, (2) the Multiple Count Adjustment ensuring that further enhancements are awarded for the commission of multiple robberies, and (3) the resulting guideline range of 360-life permitting the government to argue and the Court to impose any sentence up to life already, without imposition of further upward adjustments, the government does not request an upward adjustment under Chapter 5 in this particular case.

IV. REMAINING OBJECTIONS TO PRESENTENCE REPORT

While most of the government's edits and objections were addressed in the final Presentence

Report, there remain a couple of outstanding issues. First, with regard to Paragraph 7, the government requests that the first sentence be amended to read, "The following robberies were committed within the scope of the Conspiracy charged in Count One. The evidence presented at trial proved that Martin conspired to commit and committed each of these robberies." The use of the term "admitted robberies" is at best confusing as the defendant has continually denied committing any of the robberies, or conspiring to commit them. Next, the government asks that the first two undated, non-specific bullet points in Paragraph 7 be removed. The government will not be arguing that any robberies other than the four proved beyond a reasonable doubt and the two others proved to a "reasonable certainty" should impact the defendant's Guidelines range or ultimate sentence imposed.

In Paragraph 78, the government requests that at the end of the paragraph the following should be added: "Clarence Andrews was one of the codefendants in this case and he was convicted of robbery."

Finally, the government requests that additional information be included in Paragraph 105 regarding the defendant's arrest in 2011 for robbery. The facts set forth in the subsequent paragraph are substantiated by the attached redacted police report. Exhibit 2, April 22, 2011 Danville Police Report (redacted).

"On April 22, 2014, Martin was arrested along with Clarence Andrews, Danielle Williams, and Laray Peterson on suspicion of robbery. The victim in this case advertised a diamond ring on Craigslist. A man contacted the victim to buy the ring and arranged to meet the victim at Smith's Jewelers in Danville to complete the transaction. Laray Peterson met with the victim at the store and when the victim showed him the ring, he grabbed it and ran from the store. Peterson was spotted getting into Martin's car and the police pulled Martin over, arrested Martin and Peterson, and found the stolen ring in the backseat of the car. Martin's daughter was also a passenger in the car at the time. Martin's daughter told the police that Martin had been talking on the phone and driving around right before Peterson jumped in the car. Martin's phone showed that he had been talking to someone he had labeled "Cleeofis" in his phone. Clee is the known nickname for Andrews. Andrews and his girlfriend, Williams, were in the vicinity as well, and a witness reported that as Peterson ran by Andrews, Peterson gave Andrews the thumbs up sign as he continued to run to Martin's car. Peterson was convicted of robbery. Martin and Andrews were ultimately not charged."

The Danville robbery followed the same modus operandi and scheme used by the conspirators in this case, and both Martin and Andrews were connected to the robbery. Looking back now, it seems apparent that both Martin and Andrews were direct participants in that conspiracy as well. Furthermore, the defendant's knowledge of such a scheme by his friends in 2011 and his arrest at that time further support a finding that the defendant's testimony that he was unaware of the robbery conspiracy and his farfetched excuses for the mountain of evidence against him were knowingly false.

V. SENTENCING RECOMMENDATION

After *United States v. Booker*, 543 U.S. 220 (2005), the United States Sentencing Guidelines are no longer mandatory, but only advisory. *United States v. Carty*, 520 F.3d 984, 990 (9th Cir. 2008). Sentencing proceedings begin by correctly calculating the applicable Guidelines range. *Id.* at 991. In this sense, the Guidelines are "the starting point and the initial benchmark." *Id.* The sentencing court should then consider the 18 U.S.C. § 3553(a) factors to further determine what sentence would be reasonable and appropriate. *Id.* at 991-92. If the sentencing court decides that a sentence outside the Guidelines is warranted, the court must consider the extent of the deviation and ensure that the justification is significantly compelling to support the degree of the variance. *Id.* at 991.

The Supreme Court has noted that the Guidelines "seek to embody the § 3553(a) considerations, both in principal and in practice." *Rita v. United States*, 127 S. Ct. 2456, 2464 (2007). These factors or considerations include the need for the sentence to promote respect for the law, afford adequate deterrence, and protect the public from further criminal conduct by the defendant. 18 U.S.C. § 3553(a). A sentence in this case of 384 months in prison is reasonable and entirely necessary to achieve these objectives.

A. A SENTENCE OF 384 MONTHS IS WARRANTED WHERE THE DEFENDANT HIMSELF CARRIED OUT THE VIOLENCE AGAINST A NUMBER OF INDIVIDUALS

The robbery scheme developed by the conspirators was sophisticated and designed to evade detection. The conspirators were successful enough that it took almost a year of the conspiracy's almost constant operation before law enforcement task forces identified at least one of the perpetrators, and launched further investigation to nab the others. The conspirators gained the trust of their victims, lured the victims from their hometowns to the Bay Area, and violently robbed them of their most precious possessions as well as their faith in humanity. The conspiracy disrupted an important an oft used modern commercial venue, Craigslist.org, converting the site into the conspiracy's hunting ground to anonymously trick victims into a dangerous trap.

The defendant's role was generally one of the enforcer, the muscle. In addition to planning robberies, for the six robberies discussed in detail in the Presentence Report and this Memorandum, the defendant was one of the men who actually physically carried out the robberies of the victims. Often the defendant's accomplice to the robberies would carry a firearm, and the defendant would punch or hit the victims, or place the victim in a constrictive headlock. In fact, there was some discussion among conspirators prior to the robberies about who would carry firearms. The conspirators apparently agreed that the defendant would carry a firearm. However, when the robberies were actually carried out, the defendant conveniently delegated the role of brandishing the firearm to a younger conspirator. The victims had their most precious possession forcibly ripped away from them, with threats, fists, and at gunpoint. Even when the victims complied with the robbers' demands, they were still beaten unnecessarily. These were serious crimes reflecting depravity and a lack of any sympathy toward the innocent victims. That the defendant was motivated "purely by greed" as suggested in the Presentence Report is an aggravating, not mitigating, circumstance. PSR, Sentencing Recommendation, at 2.

B. A SENTENCE LOWER THAN 384 MONTHS IS UNLIKELY TO RESULT IN SPECIFIC DETERRENCE

When the defendant was initially interviewed by the police about the robberies, introduced as Exhibit 9 at trial and much of which was played for the jury, he lied. He claimed he did not know the coconspirators, was not at the robbery locations, and was not involved in any way whatsoever with the robbery conspiracy. Then at trial, the defendant took the stand, swore an oath to tell the truth, and lied again – though different lies – to the Court and the jury. The jury, however, saw through his act. But even after conviction on all counts, the defendant continues to deny conspiring to rob the victims and participating in the robberies.

This is not the defendant's first conviction, or first robbery. Despite a stable home life with "great parents," the defendant began getting arrested at age 17, and his first arrest was for robbery. PSR,

¶¶ 83 & 90. By the age of 23, the defendant had amassed three convictions: misdemeanor carrying a loaded firearm, felony robbery (resulting in 3 years in prison after violating his probation with a new robbery), and felony accessory to robbery. *Id*. at ¶¶ 76-78. Significantly, the felony accessory conviction was for robbery of Marine World in Vallejo where the defendant worked as an accountant. Clarence Andrews was one of Martin's codefendant's in that case, and he was convicted of the robbery. *See* Exhibit 3, Excerpt from Transcript of January 29, 2014 Interview of Defendant.

The defendant completed his prison term and worked for nearly 10 years at NUMMI in Fremont. He has no substance abuse issues, or mental health problems. PSR, ¶¶ 99, 101, & 106. In short, the defendant has shown that if he so chooses, he can live a law-abiding life and hold a steady job. But he chose instead a path that harmed other people, physically and emotionally, for no reason other than lining his own pockets.

Although he was not arrested in 2011, he got caught up in a carbon copy Craigslist robbery in Danville, once again with Andrews. Although Martin did not get charged, this should have at minimum alerted him that this scheme was occurring and that his friends were involved. And if Martin was truly not involved in the 2011 robbery, one would think that having the actual jewel thief jump into his car with his young daughter inside would have been enough to chill his relationships with those involved. To the contrary, the defendant willingly agreed to participate a conspiracy that found its victims across the country, renting the SUVs used to ferry victims to an isolated site where they were robbed of their jewels and watches. The defendant has had multiple opportunities to turn away from crime, and robbery specifically, yet he chose to enter into this criminal enterprise.

C. A SENTENCE LOWER THAN 384 MONTHS WOULD RESULT IN UNFAIR SENTENCING DISPARITY

Clarence Andrews in case CR 14-00094 YGR promptly confessed to law enforcement and thereafter pleaded guilty to conspiracy to commit robbery on March 14, 2014. Andrews pleaded without a plea agreement and admitted to participating in five separate robberies. Andrews was sentenced to 210 months in prison, the low end of his guidelines. At the time that Andrews pleaded and was sentenced, the government did not have the same understanding of the case and evidence that it eventually amassed against the defendant. If Andrews were to be sentenced again based on the evidence presented at the trial against the defendant the government would likely argue for additional enhancements to the guidelines, at least. In contrast, the defendant Martin will be sentenced nearly three years after Andrews entered his guilty plea. In further contrast, the defendant lied on the stand at trial and to this day has never accepted responsibility for his participation in the robbery conspiracy. He has never apologized to his victims for the harm he has done. And while Andrews's role was generally the driver of the SUV, the defendant carried out the actual violence against the victims. Therefore, the defendant must get a sentence significantly longer than Andrews's 210-month sentence.

VI. EXPANDED SEARCH AND NO-WITNESS-CONTACT CONDITIONS

Finally, due to the nature of the crime committed as well as the defendant's criminal history, the government requests that the Court impose an expanded, suspicionless search condition as a term of defendant's supervised release. Such a condition is reasonably related to rehabilitation and deterrence. The probation office has recommended a condition that permits a Probation Officer to conduct searched based upon reasonable suspicion, and at a reasonable time and in a reasonable manner. The government asks that any law enforcement agent or probation officer be permitted to conduct a suspicionless search at any time, and requests the following language:

> Special Condition (Searches)
> The defendant shall submit his person, residence, office, vehicle, and any property under defendant's control to a search. Such a search shall be conducted by a United States Probation Officer or any federal, state, or local law enforcement officer at any time, with or without suspicion. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.

This same language has been used in many recent Plea Agreements in this District. Similar language has been imposed even where there is no plea agreement and the defendant opposes the condition. *See, e.g.*, *United States v. Fuqua*, CR 14-00287 JD, Judgment in a Criminal Case, May 18, 2015 (Dkt. 94) (felon in possession of firearm, Court ordered over defense objection after trial); *United States v. Leonard*, CR 14-00294 JST, Judgment in a Criminal Case, March 18, 2015 (Dkt. 43) (felon in possession of firearm, Court sua sponte ordered condition); *United States v. Talmore*, CR 13-00381 PJH, Judgment in a Criminal Case, December 9, 2013 (Dkt. 26) (felon in possession of firearm, Court ordered at government request after trial); *United States v. Buford*, CR 13-00576 PJH, Judgment in a Criminal Case, July 8, 2014 (Dkt. 50) (defendant-lookout convicted of bank robbery and aiding and abetting, imposed at government request).

Considering the defendant's criminal history – particularly his prior convictions firearm possession, robbery, and accessory to robbery, as well as his latest convictions for multiple robberies and conspiracy – and in light of the Ninth Circuit's decision in *United States v. Betts*, 511 F.3d 872 (9th Cir. 2007), the search clause applicable during defendant's term of supervised release should be expanded to allow for a search by any law enforcement officer (rather than limited to just the Probation Officer) with or without suspicion. In *Betts*, the Ninth Circuit upheld a substantially similar search clause despite the fact that the defendant in that case had no criminal history. In doing so, the Ninth Circuit relied on *Samson v. California*, 126 S. Ct. 2193 (2006), which held that a similarly worded condition imposed upon all parolees in California did not violate the Fourth Amendment even though the condition did not require reasonable suspicion. *Betts*, 511 F.3d at 876 (citing *Samson*, 126 S. Ct. at 2202). The Ninth Circuit noted that in *Samson*, the Supreme Court had considered the high risk of recidivism for people convicted of crimes and reasoned that a reasonable suspicion requirement would give parolees greater opportunity to anticipate searches and hide criminal conduct. *Id.* Because there was "no sound reason for distinguishing parole from supervised release" with respect to this condition, and noting that the Court in *Samson* even drew the analogy to supervised release, the Ninth Circuit determined that the expansive search condition not requiring reasonable suspicion was appropriate. *Id.* At least one other circuit has agreed with the Ninth Circuit in this regard and approved suspicionless searches as a condition of supervised release. *United States v. Hanrahan*, 508 F.2d 962, 971 (10th Cir. 2007) (approving suspicionless search condition for defendant convicted of unlawful possession of a firearm (citing *United States v. White*, 244 F.3d 1199, 1208 (10th Cir. 2001) (approving suspicionless search condition for defendant convicted of possessing child pornography)).

The inclusion of a suspicionless search condition as part of the defendant's supervised release will provide law enforcement with the best opportunity to protect the public from further crimes by the defendant.

In addition to the suspicionless search clause, the government also proposes for similar reasons as another condition of his supervised release that the defendant have no contact, either directly or indirectly, with any witness or victim in this case.

VII. RESTITUTION

The United States asks the Court to impose the following restitution to compensate victims who Martin robbed. Victims A.B., H.H., D.I., and D.M. gave sworn testimony regarding their losses at the trial against Martin. In addition, H.H., D.I., and D.M. submitted victim statements. Victim J.S. also submitted paperwork and/or victim statements to the government or to the probation office. The defense has received redacted copies of all paperwork received by the government pertinent to these claims. Redacted copies are also provided herein as exhibits to this memorandum so that the parties may engage in meaningful discussion with the Court regarding any disputes. The exhibit numbers correspond with the number of each listed victim, below, as set forth in the PSR at ¶ 9.

1. A.B., based on sworn testimony at trial of Martin - $22,490 (R.T. 834-41)
2. State Farm Insurance (claim for H.H.) - $52,238.36 (Exhibit 4)
3. H.H. - $1,471.57 (Exhibit 5)
4. J.S. - $55,000 (Exhibit 6)
5. D.M. - $34,000 (Exhibit 7)
6. D.I. - $26,664 (Exhibit 8)

VIII. CONCLUSION

For the foregoing reasons, the United States asks that the Court sentence defendant Michael Martin to 384 months in prison (32 years) (240 months on Counts One, Three, Four, and Five, to be served concurrent; and 144 months on Count Six, to be served consecutive); 5 years of supervised release (3 years on Counts One, Three, Four, and Five, to run concurrent; and 2 years on Count Six to run consecutive); a $500 special assessment, and $191,863.93 restitution.

DATED: November 29, 2016

Respectfully submitted,

BRIAN J. STRETCH
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/s/ Brigid Martin
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EXHIBIT 1

SAVE WEAR AND TEAR IF I/WE SPLIT THE TRAVEL COSTS AND HAD A WELL-TRUSTED COURIER SERVICE HANDLE IT AT EACH END OF THE AIRPORT."

WHAT WERE YOU SUGGESTING HERE?

A. I DON'T REMEMBER TOO MUCH ABOUT THIS, EXCEPT KIND OF WHAT IT SAYS. SOMETHING IN MY MIND WAS TELLING -- BROUGHT THE IDEA OF A COURIER SERVICE TO MY MIND, SOMETHING ABOUT A COURIER SERVICE THAT IS BONDED. I REALLY DON'T REMEMBER HOW IMPORTANT THIS WAS TO ME. I DON'T THINK IT WAS -- IT WAS AN IDEA.

Q. OKAY.

A. BUT HE COULDN'T TAKE IT TO THE JEWELRY STORE TO AUTHENTICATE IT. IT MIGHT BE SOMETHING THAT HE SAID THAT I JUST DON'T REMEMBER VERY MUCH ABOUT IT.

Q. WAS A COURIER SERVICE USED IN THE TRANSACTION?

A. NO.

Q. THANK YOU. YOU CAN CLOSE THE FOLDER UP THERE NOW. THANKS.

DID YOU EVER GET THAT STOLEN DIAMOND BACK?

A. NO, I DIDN'T.

Q. DID YOU EVER GET ANY OF YOUR ITEMS BACK THAT WERE STOLEN?

A. NO, I DIDN'T.

Q. HAS YOUR LIFE CHANGED SINCE THIS INCIDENT OCCURRED?

A. YEAH. I'M JUST ... I HAVEN'T GOTTEN IT OUT OF MY SYSTEM. I FEEL WEAKER, AND I DON'T -- I DON'T UNDERSTAND THIS MAN'S INHUMANITY TO MAN STUFF. I NEVER WAS RAISED THAT WAY. YEAH, I'M A LITTLE CHANGED. I THINK ANYBODY WOULD BE.

Q. SO IN ADDITION TO THE CHANGES THAT YOU'RE DISCUSSING NOW, DID YOU ALSO SUFFER FINANCIAL LOSS FROM THESE ITEMS?

A. YES.

Q. CAN YOU ESTIMATE THE DOLLAR AMOUNT THAT YOU LOST OF THE ITEMS THAT WERE STOLEN THAT DAY?

A. WELL, THE IPHONE IS KIND OF PRICEY. AND THEN THERE IS THE DIAMOND, AND, YOU KNOW, IT WAS UNDER 20,000, I WOULD SAY, BUT CLOSE TO IT.

Q. CLOSE TO $20,000?

A. YES, I WOULD SAY SO.

Q. WHEN YOU ARRANGED TO SELL YOUR ENGAGEMENT DIAMOND TO THE MAN CALLING HIMSELF SEAN TAYLOR, DID YOU BELIEVE HE WAS A LEGITIMATE BUYER?

A. YES, I DID.

Q. WHY?

A. WELL, HE JUST -- HE TALKED FRIENDLY AND ASKED THE APPROPRIATE QUESTIONS ABOUT, YOU SURE THIS CERTIFICATE IS SOMETHING I CAN TRUST. AND, YOU KNOW, HIS WIFE -- HE REALLY LOVED HIS WIFE, AND SHE WAS REALLY LOOKING FORWARD TO IT, AND JUST A LOT OF PERSONALIZATION I WOULD SAY. AND HE WAS WILLING TO PROVIDE A TICKET SO THAT SHE COULD GET HER DIAMOND.

MS. MARTIN: THANK YOU. I HAVE NO FURTHER QUESTIONS FOR THE WITNESS.

THE COURT: THANK YOU.

Q. YOU GOT MARRIED WHILE YOU WERE IN PRISON?
A. YES.
Q. HAVE YOU BEEN MARRIED BEFORE THAT?
A. NO.
Q. DO YOU HAVE ANY KIDS?
A. YEAH.
Q. HOW MANY?
[redacted]
SCHEME THAT YOU'VE BEEN CONVICTED OF HERE IN FEDERAL COURT?
A. YES.
Q. NOW, I WANT TO TALK TO YOU A LITTLE BIT ABOUT THAT SCHEME. WHEN YOU PLEADED GUILTY, CAN YOU TELL US SOME OF THE DETAILS ABOUT THAT ROBBERY SCHEME THAT YOU PLEADED GUILTY TO? WHAT WAS THE TIME FRAME OF THE ROBBERY CONSPIRACY THAT YOU PLEADED GUILTY TO?
A. FROM NOVEMBER 2012 TO DECEMBER 2013.
Q. AND WHO WAS -- WELL, FIRST LET ME ASK YOU, APPROXIMATELY HOW MANY ROBBERIES WAS THE CONSPIRACY THAT YOU PLEADED GUILTY

TO RESPONSIBLE FOR?

A. I THINK ABOUT 19, 18 OR 19.

[redacted]

SO HE COULD DRIVE. WENT OVER TO WHERE [redacted] WAS HIDING IN THE SCHOOL YARD AND GOT HIM. GOT ON THE FREEWAY AND LEFT.
Q. THE NEXT ROBBERY THAT WE HAVE HERE, THE NEXT ENTRY IS, "CHASE N POLE, 3 MARQUIS"?
A. CHASE, AND IT SAYS NORTH POLE. "N POLE" MEANS NORTH POLE, NORTH OAKLAND. AND THREE-CARAT MARQUIS.
Q. NORTH POLE IS A SLANG TERM?
A. RIGHT.
Q. AND WAS IT -- WAS IT A COMPLETED ROBBERY, YOU MADE $30,000?
A. YEAH.
Q. TELL ME ABOUT THIS ROBBERY.
A. THAT WAS [redacted] AND SOME OF HIS FRIENDS. AND A GUY CAME UP FROM BURBANK. HE FLEW OUT OF BURBANK. I THINK HE CAME UP FROM ORANGE COUNTY OR SOMETHING.
HE MET -- THEY MET WITH HIM IN THE CHASE BANK. [redacted] FRIEND WENT INSIDE AND MET WITH HIM. IT WAS A GET AND GO. HE GOT IT, HE RAN OUT OF THE BANK.
Q. WAS THE DEFENDANT INVOLVED IN THAT ROBBERY?
A. NO.
Q. NOW, WHAT ON THE LIST HERE -- SO HE WASN'T INVOLVED IN THE, CHASE, N POLE. WHICH IS THE NEXT ROBBERY THAT THE DEFENDANT WAS INVOLVED IN THAT YOU'VE NOTED HERE?
A. OKAY. THE HOSPITAL GET AND GO. HE WAS A BACKUP DRIVER, WHICH IS RIGHT BELOW THAT.

Q. OKAY. TELL ME ABOUT THAT ROBBERY.

A. THAT WAS -- IT WAS KIND OF A RUSH THING BECAUSE -- FOR WHATEVER REASON IT WAS A RUSH THING. AND [redacted] ND HIS FRIEND WENT IN TO MEET WITH THE GUY THAT DROVE UP FROM L.A. SELLING AN EMERALD CUT DIAMOND. I THINK THEY MET AT SUMMIT HOSPITAL IN OAKLAND --

Q. WHY SUMMIT HOSPITAL?

A. I KNOW THE AREA, CLEE AND I BOTH KNOW THE AREA, SO.

Q. SO IT WAS YOUR DECISION?

A. YEAH. WE SAID THAT OUR FIANCÉE WORKED AT THE HOSPITAL SO LET'S MEET THERE SO SHE CAN LOOK AT IT.

Q. BEFORE WE TALKED ABOUT HOW YOU HAD SOMETIMES USED THE COVER STORY THAT YOU'RE IN THE MUSIC INDUSTRY WHEN TRYING TO LURE VICTIMS. SO NOW THIS WAS GETTING SOMETHING FOR YOUR FIANCÉE?

A. RIGHT.

Q. WAS THAT ANOTHER FREQUENT COVER STORY YOU USED TO GET VICTIMS?

A. YEAH, EITHER GETTING SOMETHING FOR -- AN ENGAGEMENT RING FOR MY FIANCÉE OR REPLACING MY WIFE'S ENGAGEMENT RING.

Q. WHY DID YOU USE THAT COVER STORY?

A. IT MADE SENSE. MOST PEOPLE DON'T JUST HAVE 20'S AND 30'S OF THOUSANDS OF DOLLARS LAYING AROUND TO SPEND ON THE DIAMONDS. IF WE SAY WE WERE REPLACING AN ENGAGEMENT RING FROM THE WIFE THAT WE HAD INSURED, IT SHOWED WE HAD THE MONEY.

Q. WHY WOULD YOU WANT TO MAKE IT LOOK LIKE YOU HAD THE MONEY?
A. SO PEOPLE WOULD BE COMFORTABLE.
Q. SO THAT THEY WOULD BELIEVE YOU WERE A LEGITIMATE BUYER?
A. RIGHT.
Q. YOU ALSO MENTIONED -- DO YOU KNOW THE NAME THAT YOU USED DURING THIS ROBBERY, THE SUMMIT HOSPITAL ROBBERY?
A. WE USED DIFFERENT NAMES ON ALMOST EVERY JOB. SOME JOBS WE USED THE SAME NAME, LANCE, MARCUS, DERRICK, TERRANCE.
Q. HOW DID YOU CHOOSE WHAT NAMES YOU WOULD USE?
A. WHATEVER NAME SOUND LESS THREATENING TO US.
Q. NOW, WHAT WAS THE DEFENDANT'S ROLE IN THE SUMMIT HOSPITAL ROBBERY?
A. HE WAS JUST A BACKUP DRIVER.
Q. HOW DO YOU KNOW THAT THAT WAS HIS ROLE?
A. IT WAS BECAUSE IT WAS A RUSH JOB AND HE DIDN'T HAVE ANYTHING TO DO WITH THE PLANNING OR NOTHING. I WANTED A BACKUP DRIVER THERE BECAUSE [redacted] WAS INVOLVED. AND CLEE WAS THERE AS THE MAIN DRIVER, BUT CLEE AND I WERE BOTH JUST -- WE DIDN'T WANT ANYTHING TO GO HAYWIRE SO WE NEEDED A BACKUP DRIVER.
Q. DID YOU HAVE A DISCUSSION WITH THE DEFENDANT ABOUT HIM BEING A BACKUP DRIVER?
A. YEAH, IT WAS LAST MINUTE BUT, YOU KNOW, HE WAS WITH IT. I APPRECIATED IT.
Q. DID YOU TELL HIM WHY YOU WANTED A BACKUP DRIVER?

A. YES, BECAUSE IT WAS [redacted] GOING IN.
Q. NOW, HOW ABOUT THE NEXT ONE ON THE LIST. IT SAYS, "ADAM, INDY, NATURAL FLAW."
A. RIGHT.
Q. WAS THE DEFENDANT INVOLVED IN THAT ROBBERY?
A. YEAH.
Q. WHAT WAS HIS ROLE?
A. HE WAS THE -- HE WAS THE GUY THAT ADAM WAS COMING TO MEET.
I THINK EITHER MYSELF OR CLEE FOUND ADAM ON CRAIGSLIST AND CONTACTED HIM, ADAM. HE WAS SUPPOSED TO COME IN ON, I THINK A THURSDAY BUT THERE WAS A BLIZZARD IN THE MIDWEST SO THERE WAS NO FLIGHTS OUT. SO WE HAD TO PUT IT OFF. AND WE PUT IT OFF.
WE USED A REAL LIMOUSINE. AND WE MET WITH HIM OFF OF HAGENBERGER BEHIND -- WHAT IS THAT, BEHIND THE WALMART THEY ARE CLOSING NOW.
Q. NOW, AGAIN, WHEN YOU SAY "WE" MET WITH HIM.
A. RIGHT.
Q. YOU WERE NOT THERE.
A. RIGHT.
Q. YOU WERE IN PRISON.
A. RIGHT.
Q. SO HOW DO YOU KNOW THAT THAT'S WHERE THE ROBBERY CREW MET ADAM?
A. BECAUSE WE PLANNED IT THAT WAY. ALL OUR JOBS WOULD BE PLANNED DAYS IN ADVANCE. AND GO LOOK AT THE PLACE AND MAKE

SURE IT'S, YOU KNOW, WHERE WE ACTUALLY WANT TO DO IT AT.
Q. SO LET'S GET SPECIFIC WITH THIS ONE WITH ADAM ON HAGENBERGER OR NEAR HAGENBERGER.
A. RIGHT.
Q. WHO WENT? BECAUSE, AGAIN, YOU COULDN'T GO LOOK AT THE SCENE BECAUSE YOU WERE IN PRISON.
A. RIGHT.
Q. DID SOMEONE GO AND LOOK AT THE SCENE AND TALK TO YOU ABOUT IT?
A. YEAH.
Q. WHO?
A. MIKE, CLEE, [redacted] CLEE AND [redacted] WENT AND THEN MIKE WENT ON HIS OWN.
Q. AND HOW MANY CONVERSATIONS DID YOU HAVE WITH THE DEFENDANT, YOUR SON, OR MR. ANDREWS ABOUT THIS LOCATION?
A. A LOT.
Q. WHY?
A. JUST CUZ I WASN'T REALLY COMFORTABLE WITH IT BECAUSE THERE'S A LOT OF TRAFFIC GOING OVER THERE. I KNOW THE PAROLE OFFICE DOES URINE TESTS OVER THERE.
BUT THEY WERE TELLING ME -- YOU KNOW, I'VE BEEN GONE -- AT THAT TIME I HAD BEEN GONE LIKE SEVEN YEARS. SO THEY WERE TELLING ME HOW IT'S INDUSTRIAL. THERE'S WAREHOUSES OVER THERE WITH CUTS AND ALLEYS, AND IT WOULD FIT FOR US TO HAVE A RECORDING STUDIO OVER THERE LIKE WE TOLD HIM.

Q. WHAT CONVERSATION SPECIFICALLY DID YOU HAVE WITH THE DEFENDANT ABOUT THIS LOCATION?

A. JUST WHAT DID HE THINK. HE TOLD ME IT WAS COOL, THAT IT MADE SENSE. HE WAS TELLING ME HOW THE SIDE WHERE WE PLAN TO DO IT AT, ONCE THE LIMOUSINE PULLED IN, THEY WOULD BASICALLY BE STUCK, IT WOULDN'T BE -- HE COULDN'T GO AROUND. ONCE HE TURNED TO THE SIDE THE WAY MIKE DESCRIBED IT TO ME, THE BACK OF THE WAREHOUSE, HE WOULD BE STUCK, WOULD HAVE TO BACK UP TO GET OUT OF THERE.

Q. IS THERE A REASON THAT YOU HAD -- AND THIS CONVERSATION YOU HAD WITH THE DEFENDANT, WAS IT JUST YOU AND THE DEFENDANT?

A. NO, ME, HIM, AND CLEE ON THE THREE-WAY.

Q. IS THERE A REASON WHY YOU HAD A CONVERSATION -- YOU WOULD HAVE A CONVERSATION WITH HIM OR A CONVERSATION WITH MR. ANDREWS OR THREE-WAY? WERE THERE DIFFERENT REASONS FOR HAVING CALLS ONE-ON-ONE OR THREE-WAY?

A. NOT REALLY. MOST OF THE TIME IT WAS THREE-WAY, WE WANTED EVERYBODY TO BE ON THE SAME PAGE. IF IT WASN'T A THREE-WAY, WE WOULD HAVE TO REPEAT OURSELVES? I WOULD ASK CLEE, MAKE SURE YOU TOLD MIKE THAT, OR VICE VERSA.

Q. WHEN YOU WERE ON THE THREE-WAY CALLS, WAS THERE ONE PERSON THAT YOU USUALLY CONNECTED TO?

A. YEAH, CLEE.

Q. WAS IT -- WAS IT FREQUENT OR OFTEN THAT YOU WOULD CONNECT DIRECTLY TO THE DEFENDANT?

WHAT DO YOU MEAN BY THAT?

A. SOMEWHERE OFF SAN PABLO DAM ROAD IN RICHMOND. IT'S BY A CHURCH.

THE WAY MIKE AND CLEE EXPLAINED IT TO ME, IT WAS -- THERE WAS A CHURCH, I GUESS, WITH AN ALLEY OR A SIDE STREET BY IT THAT WAS RIGHT OFF SAN PABLO DAM ROAD, EMPTY, THEY THOUGHT IT WAS A PERFECT SPOT.

Q. YOU HAD A CONVERSATION WITH WHO ABOUT THAT?

A. WITH MIKE AND WITH CLEE.

Q. WAS THAT BEFORE THAT ROBBERY OCCURRED?

A. THIS WAS DAYS, ABOUT TWO DAYS BEFORE.

Q. AND IT LOOKS LIKE THAT ROBBERY WAS SUCCESSFUL. THERE IS A NOTATION FOR "20"? DOES THAT MEAN THAT $20,000 IS WHAT YOU GOT FOR THAT ROBBERY?

A. YES.

Q. NOW, IT SAYS HERE, "4 CARAT INVESTMENT THANG."

WHAT DOES THAT MEAN?

A. THE ORIGINAL DIAMOND HE WAS SELLING WAS A FOUR CARAT. AND I TOLD HIM THAT I WAS TRYING TO BUY IT AS AN INVESTMENT DIAMOND. I THINK WE AGREED ON A PRICE OF LIKE I THINK 180,000, 170,000. [redacted]

THEN, BEFORE ALEX, THE GUY FROM L.A., CAME UP, HE SENT AN EMAIL SAYING THAT HE HAD ALSO -- HE ASKED ME DID I HAVE ANY KNOWLEDGE ABOUT WATCHES.

TEST"?

A. RIGHT.

Q. WHEN WE WERE TALKING ABOUT THE BOY THAT FLEW IN BY HAGENBERGER EDGEWATER. YESTERDAY WHEN WE WERE TALKING ABOUT YOUR LIST OF ROBBERIES, THERE WAS A -- WAS IT FROM INDY?

A. ADAM FROM INDY.

Q. ADAM FROM INDY.

A. AND HAGENBERGER.

Q. AND YOU MENTIONED THAT THE LOCATION THAT THE CREW CONDUCTED THAT ROBBERY WAS NEAR A PLACE WHERE YOU COULD GO FOR THE PROBATION DEPARTMENT AND TAKE A PEE TEST, PEE IN A CUP, I THINK YOU SAID?

A. RIGHT.

Q. NOW, YOU'RE TALKING ABOUT SAYING -- "SENDING A BROAD AND MIX IT UP."

WHAT WERE YOU TALKING ABOUT?

A. WE WERE THINKING -- I WAS THINKING, JUST RUNNING IT BY HIM TO GET HIS THOUGHTS ON IT, MAYBE IF WE SEND A WOMAN AT HIM. BECAUSE THE DUDE WAS A PRIVATE JEWELER, SO I WAS THINKING MAYBE IF WE SENT A WOMAN AT HIM, SEE IF HE MIGHT BE WILLING TO FLY BACK OUT HERE BECAUSE HE WAS SO EAGER TO COME THE LAST TIME.

Q. AND THE DEFENDANT SAID, "HE AIN'T GOING TO JUMP IN THE WHIP, THOUGH."

A. RIGHT.

Q. DO YOU KNOW WHAT THE WORD "WHIP" REFERS TO? HAD YOU HEARD THE DEFENDANT USE THIS TERM BEFORE?
A. YEAH, IT MEANS VEHICLE.
Q. HAD YOU HEARD PEOPLE OTHER THAN THE DEFENDANT USE THAT TERM BEFORE?
A. YES.
Q. WHIP IS SLANG FOR VEHICLE?
A. RIGHT.
Q. AND THE DEFENDANT'S RESPONSE IS, "SHIT, I MEAN, AIN'T NOTHING WRONG WITH PUTTING A WORM ON THE HOOK AND SEE IF THAT NIGGA TAKE IT."
IS THAT RIGHT?
A. RIGHT.
MS. MARTIN: YOUR HONOR, MAY I HAVE ONE MOMENT?
THE COURT: YES.
(PAUSE IN THE PROCEEDINGS.)
BY MS. MARTIN:
Q. IN THAT PHONE CLIP THAT WE ALL JUST LISTENED TO, YOU ALSO TALK ABOUT SOMETHING THAT, A FUMBLE IN NAPA; IS THAT RIGHT?
A. RIGHT.
Q. I THINK THAT IS SOMETHING YOU ALSO REFERRED TO YESTERDAY, CORRECT?
A. RIGHT.
Q. THAT WAS ONE OF THE ATTEMPTS?
A. THAT WAS THE ATTEMPT THAT WE WERE TRYING TO DO THE JOB AT

Q. HOW HAS THE ROBBERY AFFECTED YOU EMOTIONALLY?

A. A LOT. I MEAN, LITTLE BY LITTLE -- FIRST TWO, THREE MONTHS IT WAS LIKE A SHOCK TO ME. I NEVER EXPECTED ANYTHING LIKE THIS. NOTHING HAPPENED TO ME BEFORE.

I MEAN, I TRUSTED COMPLETELY DIFFERENTLY THAT WAY THAT TIME PEOPLE THAN I'M NOW AFTER THAT INCIDENT HAPPEN TO ME. I DON'T KNOW, THERE ARE SO MANY DETAILS I CAN'T EXPRESS. I DON'T HAVE ENOUGH -- I AM NOT THAT FLUENT IN ENGLISH TO SAY EVERYTHING, TO EXPRESS EVERYTHING. BUT IT WAS A TERRIBLE THING.

Q. IT DEFINITELY HAS HAD AN IMPACT?

A. IT HAS.

Q. NOW, MR. [redacted], YOU SELL JEWELRY FOR A LIVING, RIGHT?

A. I DO.

Q. IT IS NOT A HOBBY?

A. NO.

Q. IT IS YOUR LIVELIHOOD?

A. YES.

Q. AND YOU SUSTAINED A LOSS FROM THIS ROBBERY?

A. I DID.

Q. CAN YOU ESTIMATE THE AMOUNT OF LOSS FINANCIALLY FROM THIS ROBBERY?

A. I TOLD THEM POLICE I WANT TO BE VERY CONSERVATIVE, NOT TO LIKE GO INTO RETAIL OR SOMETHING, LIKE VERY CONSERVATIVE NUMBER. OVER 20,000 -- AROUND 20,000.

Q. $20,000?
A. YES.
Q. I WOULD JUST LIKE TO BRIEFLY GO THROUGH IT.
SO THEY STOLE THE TWO DIAMONDS, CORRECT?
A. CORRECT.
Q. AND THEY CRACKED THE SCREEN ON YOUR CELL PHONE?
A. YES.
Q. THEY TOOK YOUR WALLET?
A. THEY TOOK WALLET. THEY TOOK WATCH. AND ABOUT 13, $1400 I HAD CASH ON ME.
Q. SO YOU HAD CASH IN YOUR POCKET, WALLET, AND YOUR WATCH?
A. YES.
Q. DID YOU EVER GET THE DIAMONDS BACK?
A. NO, I DIDN'T.
Q. WERE THEY INSURED?
A. NO.
Q. YOU HAD TO PAY FOR THESE OUT OF POCKET?
A. YES.
Q. DID YOU GET ANY OF YOUR STOLEN ITEMS BACK?
A. NO.
Q. WHAT WAS THE OUT OF POCKET -- YOU SAID YOU HAD TO PAY FOR THE DIAMONDS OUT OF POCKET. HOW MUCH DID YOU HAVE TO PAY FOR THE TWO DIAMONDS?
A. ROUGHLY, IF I REMEMBER RIGHT -- WELL, THE THING WAS, ONE WAS A RING AND WE REMOVED THE 107 DIAMOND. SO ONE WAS 8500,

THE OTHER ONE 75.
Q. SO $8500 FOR ONE AND $7500 FOR THE OTHER?
A. YES. YES.
Q. YOU ALSO MENTIONED YOUR WATCH. WHAT KIND OF WATCH WERE YOU WEARING?
A. IT WAS A BREGUET.
Q. CAN YOU SPELL IT FOR THE COURT REPORTER, PLEASE?
A. SURE. B-R-E-G-E-U-E-T. I'M NOT THAT GOOD IN SPELLING, BUT SOUNDS LIKE BREGUET. EVERYTHING IS SPANISH -- FRENCH WORD.

MS. QUIROZ: YOUR HONOR, MAY I APPROACH THE WITNESS WITH WHAT HAS BEEN MARKED EXHIBIT 17?

THE COURT: YES.

(EXHIBIT HANDED TO WITNESS.)

BY MS. QUIROZ:
Q. I'VE HANDED YOU WHAT HAS BEEN MARKED EXHIBIT 17, MR. [redacted] DO YOU RECOGNIZE THIS?
A. YES, THIS IS MY WATCH.
Q. YOUR WATCH OR A PHOTOGRAPH OF THE WATCH?
A. PHOTOGRAPH OF THE ACTUAL WATCH THAT I LOST.
Q. HOW DO YOU KNOW IT IS A PHOTOGRAPH OF THE ACTUAL WATCH?
A. BECAUSE I HAD TAKEN.
Q. YOU HAD TAKEN?
A. THESE PICTURES OF THE WATCH BEFORE.
Q. WHY?

A. TO SELL IT.
Q. DID YOU INTEND TO SELL IT TO MARCUS GATES OR SELL IT AT ANOTHER TIME?
A. NO, I WASN'T SELLING THIS TO MARCUS GATES. I WAS JUST WEARING IT.
Q. YOU WERE JUST WEARING IT?
A. YES.

MS. QUIROZ: YOUR HONOR, THE GOVERNMENT MOVES EXHIBIT 17 INTO EVIDENCE.

THE COURT: ANY OBJECTION?

MR. DEMEESTER: NO OBJECTION, YOUR HONOR.

THE COURT: IT'S ADMITTED.

(PLAINTIFF'S EXHIBIT 17 RECEIVED IN EVIDENCE.)

MS. QUIROZ: PERMISSION TO PUBLISH?

THE COURT: YES.

MS. QUIROZ: CAN YOU PLEASE -- THERE YOU GO, EXHIBIT 17.

(EXHIBIT DISPLAYED ON SCREEN.)

BY MS. QUIROZ:

Q. THIS WAS THE BREGUET WATCH YOU WERE WEARING?
A. YES, CORRECT.
Q. WHAT IS THE VALUE OF THIS WATCH?
A. FOR THE PRE-OWNED IS ABOUT BETWEEN 5 AND 6,000.
Q. THAT WAS THE LOSS TO YOU?
A. YES.

Q. DID YOU SEND A PICTURE OF THIS WATCH TO THE DETECTIVE WHO WAS INVESTIGATING THE ROBBERY?
A. I DID.
MS. QUIROZ: THANK YOU, MS. MARTIN.
BY MS. QUIROZ:
Q. NOW, CASH, YOU SAID YOU HAD APPROXIMATELY $1400 IN YOUR POCKET?
A. APPROXIMATELY 13 TO 1400.
Q. THEY TOOK THAT, TOO?
A. YES.
Q. AGAIN, GOING BACK TO THE WATCH, WAS IT INSURED OR OUT OF POCKET?
A. IT WASN'T INSURED.
Q. NOW, YOUR WALLET, YOU SAID THEY TOOK YOUR WALLET?
A. YES.
Q. WHAT WAS IN YOUR WALLET?
A. I HAD A BANK CARD, CREDIT CARD, AAA, COSTCO. AND MY I.D. WAS IN MY POCKET. AND PASSPORT.
Q. WHAT WAS THE VALUE OF THE WALLET ITSELF, IF YOU CAN ESTIMATE?
A. I DON'T REMEMBER. I DON'T THINK IT WAS ANYTHING SPECIAL.
Q. DO YOU KNOW IF ANY OF THE SUSPECTS USED ANY OF THE CREDIT CARDS IN YOUR WALLET?
A. YES, THEY DID.
Q. HOW DO YOU KNOW?

A. BECAUSE AFTER I GOT TO LOS ANGELES, I CALLED THE CREDIT COMPANY BANK TO CANCEL THE CREDIT AND REPORT IT WAS LOST AND STOLEN.

AND THEN IN MY STATEMENT, IT WAS SHOWING THAT AFTER I WAS ROBBED, FIRST THING THEY SPENT, THEY USED MY CARD WAS FAST FOOD PLACE, BURGER PLACE, SOME KIND OF BURGER NAME WAS, SHOWING THE ADDRESS AND EVERYTHING.

AND SECOND CHARGE WAS COSTCO, ABOUT $1100 CHARGED. THEY WENT TO SHOP AT COSTCO AND LOCATION AND EVERYTHING SHOWING ON THE STATEMENTS, LOCATION OF THE STORE. SO I DID -- GAVE THAT INFORMATION TO THE DETECTIVE.

Q. YOU ALSO MENTIONED YOUR PASSPORT. THEY TOOK YOUR PASSPORT?

A. YES BECAUSE THIS WAS THE FIRST TIME IN THE STATES. I DIDN'T KNOW I -- I DON'T NEED PASSPORT, BUT I HAD WITH ME.

Q. SO YOU HAD TO GET A NEW PASSPORT?

A. I HAD TO GET A NEW PASSPORT.

Q. THAT COST MONEY TOO?

A. I THINK $90.

Q. YOUR PHONE, THEY CRACKED THE SCREEN ON YOUR PHONE?

A. YES.

Q. YOU HAD TO GET A NEW PHONE?

A. YES.

Q. DO YOU REMEMBER HOW MUCH YOU HAD TO PAY TO GET A NEW PHONE?

A. NO, I DON'T.

Q. MR. [redacted] YOU SAID THAT THIS HAS EXPERIENCE -- THAT THIS EXPERIENCE, THIS ROBBERY, HAS AFFECTED YOU EMOTIONALLY. BUT HOW HAS THIS AFFECTED -- OR HOW HAS IT AFFECTED YOUR ABILITY TO CONDUCT YOUR BUSINESS OR HOW YOU CONDUCT YOUR BUSINESS?

A. YES. I LOST ... THE TRUST THAT I HAD BEFORE. IT'S NOT THE SAME THAT I HAVE IN THE PEOPLE. EVEN THOUGH SOMEONE CAN BE SO WELL SOUNDED LIKE MARCUS WAS, AND I HAD NO DOUBT THAT THERE WAS ANYTHING BEHIND, IF I HAD -- I'M MORE LIKE CAREFUL TYPE.

AGAIN, I HAD NO EXPERIENCE EITHER. SO I ONLY HAVE FEW YEAR EXPERIENCE IN THE BUSINESS. BUT MOSTLY I TRIED TO DO ONLINE. ONLINE IS WHEN I HAVE TO SHIP IT. BUT GOING OUTSIDE, I DON'T GO OUTSIDE. SOMEONE WANTS TO BUY SOMETHING, I TELL THEM TO COME JUST DOWNTOWN.

MS. QUIROZ: YOUR HONOR, MAY I HAVE ONE MINUTE TO CONSULT WITH CO-COUNSEL?

THE COURT: YES.

[redacted]

THIS POINT?

A. WELL, I DON'T REMEMBER THOSE TWO GUYS WITH GUNS. THE ONLY THING THAT I REMEMBER AND I LOOK AT WAS DRIVER. BUT I DON'T REMEMBER THE OTHER TWO GUYS.

Q. AGAIN, YOU WERE ASKED TO LOOK DOWN WHEN YOU WERE BEING ATTACKED, CORRECT?

A. SAY AGAIN, PLEASE?

Q. YOU WERE ASKED TO LOOK DOWN OR AWAY WHEN YOU WERE BEING ATTACKED?

A. THAT IS THE FIRST THING WHEN THEY RAN TO THE CAR WAS, LOOK DOWN, LOOK DOWN.

MS. QUIROZ: NO FURTHER QUESTIONS.

THE COURT: YOU MAY CROSS-EXAMINE.

MR. DEMEESTER: THANK YOU, YOUR HONOR.

GOOD MORNING, MR. [redacted] I HAVE NO QUESTIONS FOR YOU.

THE COURT: THANK YOU VERY MUCH. MAY THIS WITNESS BE EXCUSED?

MS. QUIROZ: YES, YOUR HONOR.

MR. DEMEESTER: YES, YOUR HONOR.

THE COURT: THANK YOU VERY MUCH, SIR. YOU ARE EXCUSED.

NEXT WITNESS.

MS. QUIROZ: THE GOVERNMENT CALLS SEAN HANSEN.

THE COURT: OKAY. TAKE A STRETCH BREAK WHILE WAITING

GOT TIRED OF IT, I WOULD SELL IT AND BUY ANOTHER ONE.
Q. WHY, AT THIS POINT IN TIME, WERE YOU SELLING THIS PARTICULAR ROLEX SUBMARINER?
A. I HAD IT FOR SIX MONTHS OR A YEAR, JUST GOT TIRED OF IT, AND IT WAS TIME FOR IT TO GO.
Q. HOW DID YOU GO ABOUT SELLING THAT WATCH?
A. I LISTED IT ON CRAIGSLIST FOR SALE.
Q. ON THE OTHER WATCHES YOU SOLD IN THE PAST, HAD YOU EVER USED CRAIGSLIST BEFORE THIS TIME IN OCTOBER 2013?
A. YES.
Q. HOW MANY TIMES HAD YOU USED CRAIGSLIST?
A. PROBABLY AT LEAST HALF THE WATCHES I BOUGHT AND SOLD.
Q. CAN YOU ESTIMATE HOW MANY TIMES THAT WOULD BE?
A. TEN.
Q. HAD YOU EVER HAD ANY PROBLEMS SELLING THOSE TEN WATCHES USING CRAIGSLIST BEFORE?
A. NO.
Q. NOW, WHEN YOU ADVERTISED THE WATCH, SUBMARINER, IN 2013, WHAT DID YOU PUT IN YOUR ADVERTISEMENT?
A. THAT IT WAS AN 18-CARAT GOLD, WHITE GOLD SUBMARINER CLOSE TO NEW CONDITION, BOX AND PAPERS, AND PUT MY PHONE NUMBER IN.
Q. DID YOU GET ANY RESPONSES?
A. I GOT ONE RESPONSE VERY SHORTLY AFTER I PUT THE AD ON.
Q. WHO RESPONDED?
A. SHAWN GOSSELIN.

ITEMS, WHAT DID THEY DO WITH YOU?
A. WELL, I WAS KIND OF ROLLED UP IN A BALL. AND THEY HAD TAKEN MY SWEATSHIRT AND PUT IT OVER MY HEAD.
THE VEHICLE WAS STILL MOVING. AND THEY HAD STOPPED. AND THE GUY ON THE DRIVER'S SIDE PULLED ME OUT AND THE GUY ON THE PASSENGER SIDE PUSHED ME OUT. THEY TOLD ME NOT TO TAKE MY SWEATSHIRT OFF MY HEAD OR THEY WOULD SHOOT ME IN THE BACK.
Q. SO THEY -- DID YOU SEE ANY FIREARMS?
A. NO.
Q. AND YOU HAD THE SWEATSHIRT OVER YOUR HEAD AT THIS POINT?
A. YES.
Q. YOU COULDN'T SEE ANYTHING?
A. NO.
Q. AT WHAT POINT IN TIME DID THEY PULL YOUR SWEATSHIRT OVER YOUR HEAD?
A. HALFWAY THROUGH THE BEATING.
Q. AND DID THEY SAY ANYTHING ELSE TO YOU OTHER THAN WHEN THEY TOLD YOU NOT TO LOOK OR THEY WOULD SHOOT YOU IN THE HEAD -- SHOOT YOU IN THE BACK?
A. WHEN THEY WERE BEATING ME, THEY TOLD ME TO CALM DOWN OR IT WOULD GET WORSE. THEY ASKED ME WHERE IT WAS. THEY DIDN'T ASK WHERE THE WATCH WAS. THEY JUST ASKED WHERE IT WAS. AND I THINK MY COMMENT WAS, IT'S IN THE BAG STUPID.
Q. AND WAS THAT SIGNIFICANT TO YOU THAT THEY WERE ASKING WHERE IT WAS WITHOUT SAYING WATCH?

A. WITH THE ROLEXES, I PROMISED MY WIFE I WOULDN'T BUY AND SELL ANY MORE OF THEM.

AS FAR AS THE CAR BUSINESS GOES, I'M PRETTY CAREFUL ABOUT WHAT I DO, AND MOST EVERYTHING IS DONE BY WIRE TRANSFER AND DONE FROM LONG DISTANCES. SO THAT PRETTY MUCH STAYED THE SAME.

Q. SO IT IS FAIR TO SAY THAT YOU ARE NOT FLYING TO MEET POTENTIAL BUYERS ANYMORE?

A. NO.

Q. YOU SAID YOU PROMISED YOUR WIFE?

A. YES.

Q. AND YOU STUCK TO THAT PROMISE?

A. YES.

MS. MARTIN: THANK YOU. I DON'T HAVE ANY FURTHER QUESTIONS FOR THIS WITNESS.

THE COURT: ALL RIGHT. YOU MAY CROSS-EXAMINE, MR. DEMEESTER.

MR. DEMEESTER: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. DEMEESTER:

Q. GOOD AFTERNOON, [redacted]

THE MAN WHO DROVE THE SUV PICKING YOU UP AT THE AIRPORT, HOW OLD DID YOU ESTIMATE THAT HE WAS?

A. LATE SIXTIES, MIDDLE SIXTIES.

Q. OF THE TWO MALES WHO WERE NOT IN THE SUV BUT WHO WERE

A. I'M NOT EXACTLY SURE.
Q. YOU TALKED A LITTLE BIT ABOUT HOW MANY ROBBERIES WERE IN THE CONSPIRACY PERIOD -- HOW MANY ROBBERIES THE CREW COMMITTED DURING THE CONSPIRACY PERIOD.
HOW MANY ROBBERIES OR ATTEMPTS WERE YOU PERSONALLY INVOLVED IN?
A. I'M NOT -- I DON'T KNOW THE EXACT NUMBER.
Q. YOU CAN GIVE AN APPROXIMATE NUMBER.
A. DEFINITELY MORE THAN TEN.
Q. MORE THAN TEN. HOW MANY OF THOSE INVOLVED THE DEFENDANT?
A. LIKE AROUND FIVE, SIX, SOMEWHERE AROUND THERE.
Q. WHEN I MEAN INVOLVE THE DEFENDANT, WHEN HE WAS THERE ROBBING THE VICTIMS WITH YOU.
A. RIGHT.
Q. OKAY. LET'S TALK ABOUT GUNS.
YOU MENTIONED THAT YOU'VE HAD GUNS, YOU'VE OWNED ABOUT SEVEN GUNS IN YOUR LIFE. DID GUNS PLAY A ROLE IN THE ROBBERIES?
A. YES. WHENEVER THE LIMO PULLS UP, OR WHENEVER CLEE PULLS UP, YOU KNOW, YOU GOT TO OPEN THE DOOR, POINT THE GUN AT THE PERSON.
Q. BUT LET'S TAKE A STEP BACK.
[redacted] MR. ANDREWS, AND THE DEFENDANT WERE ON THESE THREE-WAY PHONE CALLS, FOUR-WAY PHONE CALLS, DID YOU EVER DISCUSS GUNS?

Q. SO DO YOU REMEMBER ANY SPECIFIC ROBBERIES IN WHICH THE DEFENDANT -- THAT YOU COMMITTED AND THE DEFENDANT ALSO COMMITTED IN WHICH THE VICTIM WAS PHYSICALLY RESTRAINED BY THE DEFENDANT?

A. YES, MA'AM.

Q. CAN YOU GIVE US AN EXAMPLE OF ONE OF THOSE ROBBERIES?

A. IT WAS -- THERE WAS ONE WHERE A WOMAN, SHE FLEW OUT FROM -- I'M NOT SURE EXACTLY WHERE, PORTLAND OR WASHINGTON, SOMETHING LIKE THAT. SHE FLEW TO THE AIRPORT. CLEE PICKED HER UP FROM THE AIRPORT AND BROUGHT HER TO WHERE ME AND DIESEL WERE AT, WHICH IS IN LIKE THE EL CERRITO, RICHMOND AREA. I'M NOT SURE WHICH CITY IT IS, LIKE ON THE BORDER.

AND CLEE BROUGHT THE LADY OVER THERE, JUST LIKE THIS FIELD. AND ON THE BACK SIDE OF THE FIELD, ME AND DIESEL WERE THERE WAITING FOR CLEE TO COME. AND CLEE CAME AROUND THE FIELD AND HE PARKED IN FRONT OF US. HE STOPPED THE CAR. ME AND DIESEL JUMPED INTO THE BACK SEATS. I JUMPED IN BEHIND THE DRIVER'S SIDE. HE GOT IN BEHIND THE PASSENGER SIDE. I HAD THE GUN. I AM POINTING THE GUN AT THE LADY. DIESEL HAS HIS ARM AROUND THE LADY LIKE IN A HEADLOCK AND HAS HER LIKE BENT OVER, YOU KNOW, SO THAT -- SO THAT SHE CAN'T LOOK AT HIM, I GUESS.

Q. HOW OLD WAS THIS WOMAN APPROXIMATELY?

A. LATE THIRTIES, EARLY FORTIES.

Q. OKAY.

Q. AND WHAT HAPPENED?

A. CLEE PULLS IN ALONGSIDE. HE'S DRIVING DOWN THE SIDE PARKING LOT AND HE COMES AROUND THE BACK CORNER. WHEN HE COMES AROUND THE BACK CORNER, HE STOPS THE CAR, PARKS THE CAR. ME AND DIESEL GET INTO THE CAR OR WE COME -- WE OPEN UP THE BACK DOORS. I OPEN UP THE BACK DOOR ON THE DRIVER'S SIDE. HE OPENS UP THE BACK DOOR ON THE PASSENGER SIDE.

I HAVE THE GUN. HE DOESN'T HAVE A GUN. I POINTED THE GUN AT THE GUY. THEN I MIGHT HAVE HIT THE GUY, I'M NOT SURE EXACTLY. I DON'T REALLY EXACTLY REMEMBER IF I HIT HIM OR NOT.

AND THEN I DRUG HIM -- I REMEMBER DRAGGING HIM OUT OF THE CAR. UNCLICKED HIS SEAT BELT, GRABBED HIM BY THE SHIRT AND LIKE DRAGGED HIM OUT OF THE CAR. HE FELL ON THE GROUND IN FRONT OF ME.

Q. WHAT WAS THE DEFENDANT DOING WHEN YOU WERE PULLING HIM OUT OF THE CAR, THE VICTIM?

A. I DON'T REMEMBER US HITTING HIM. LIKE I DON'T REMEMBER, YOU KNOW, BLOW BY BLOW.

Q. YOU WERE HITTING HIM OR THE DEFENDANT WAS HITTING HIM?

A. I DON'T REMEMBER US HITTING HIM. BUT I WASN'T BEING SOFT WITH HIM. I PROBABLY WAS BEING ROUGH WITH HIM. HE WAS ON THE OTHER SIDE OF THE CAR DOING THE SAME THING AS ME. SO WHEN I CLICKED HIS SEAT BELT, HE'S KIND OF BIG, LIKE KIND OF CHUNKY. I PULLED HIM OUT THE CAR, HE FELL ON THE GROUND IN FRONT OF ME.

BACK.

AS SOON AS WE GOT IN -- YOU KNOW, I HAVE THE GUN. I AM POINTING THE GUN AT THE GUY. AS SOON AS WE GET IN, DIESEL PLACED MY PILLOWCASE THAT I HAD FROM THE AMTRAK, CUZ I HAD JUST GOT OFF THE AMTRAK THE DAY BEFORE. HE PUTS THE PILLOWCASE OVER THE GUY'S HEAD SO THAT HE CAN'T SEE ANYBODY.

AND THEN I'M NOT SURE IF HE PUT HIM IN A HEADLOCK OR NOT, BUT I KNOW THAT THE GUY WAS HUNCHED OVER IN THAT POSITION, THE SAME AS THE OTHER LADY, WITH LIKE HIS HEAD TOUCHING THE FRONT SEAT IN BETWEEN HIS LEGS.

AND THEN I'M CHECKING HIS POCKETS, TAKING THE JEWELRY OFF OF HIS HANDS AND WRIST, IF HE HAD ANY, I DON'T REALLY REMEMBER. AND THEN TOOK HIS SHOES OFF.

Q. TOOK HIS SHOES OFF?
A. TOOK HIS SHOES OFF.
Q. WHO TOOK HIS SHOES OFF?
A. I DID.
Q. WHY?
A. CLEE TOLD ME TO TAKE HIS SHOES OFF.
Q. WHY DID CLEE TELL YOU TO TAKE HIS SHOES OFF?
A. SO THAT WHENEVER WE KICK HIM OUT OF THE CAR, HE CAN'T JUST -- I GUESS SO HE CAN'T RUN AND FLAG SOMEBODY DOWN REALLY FAST.
Q. IS THIS SOMETHING THE CREW TALKED ABOUT DOING WITH OTHER VICTIMS SO THEY COULD NOT RUN AFTER YOU GUYS?

Q. DID YOU AND THE CREW ROB A VICTIM FROM INDIANA?
A. YES.
Q. IS THAT ONE THAT STANDS OUT?
A. YES. I REMEMBER THAT ONE.
Q. CAN YOU TALK ABOUT THAT ONE?
A. THAT ONE HAPPENED IN OAKLAND, EAST OAKLAND, BY THE WAL-MART ON HEGENBERGER BY THE AIRPORT.
Q. HEGENBERGER ROAD?
A. HEGENBERGER ROAD OR STREET, YEAH. THAT ONE WE USED A REAL LIMO SERVICE.
Q. THAT WAS EARLY ON?
A. THIS IS EARLY ON, YEAH.
Q. EARLY 2013?
A. MARCH OR APRIL, AROUND THERE.
Q. OKAY.
A. AND THAT WAS -- THAT WAS -- MY DAD SET IT UP. CLEE WAS THERE DRIVING. DIESEL WAS THERE TO POSE AS THE BUYER TO GET THE LIMO TO STOP. I RAN UP TO THE LIMO WITH THE GUN. MY FRIEND FROM HIGH SCHOOL [redacted] RAN UP TO THE LIMO WITH THE GUN, TOO. AND HIS BROTHER DROVE HIM. HIS BROTHER'S NAME IS [redacted].
Q. THIS IS -- THIS SOUNDS SIMILAR TO ONE OF THE ROBBERIES WE TALKED ABOUT A LITTLE BIT AGO WHERE THE DEFENDANT WAS POSING AS THE BUYER STANDING ON THE SIDE OF THE ROAD?
A. RIGHT.

POINT, MAYBE I HAD SOCKS ON BUT NOT SHOES BECAUSE THEY TOOK MY SHOES, I DIDN'T SEE ANYBODY FOR SEVERAL BLOCKS.

THE FIRST SEVERAL PEOPLE THAT I DID SEE, WHICH MAY BE THREE OR FOUR, APPARENTLY I LOOKED PRETTY BAD AND IN MORE RESPECTS THAN JUST BEING WITHOUT SHOES BECAUSE THEY WOULDN'T HELP AT ALL. THEY WENT THE OTHER WAY.

EVENTUALLY I FOUND SOMEONE WHO WOULD HELP ME.

Q. AND DID YOU -- HOW DID THAT PERSON HELP YOU?

A. IT WAS AN ASIAN COUPLE, A MAN AND WOMAN. THEY LOOKED AT ME AND ASKED WHAT HAPPENED. AND THEY SAID I LOOKED LIKE HELL, DID I WANT THEM TO CALL AN AMBULANCE? I SAID, NO, BUT I WOULD LIKE TO CALL THE POLICE. BECAUSE I DIDN'T KNOW WHAT I LOOKED LIKE AT THE TIME. I HADN'T SEEN A MIRROR.

AND BECAUSE I THINK I WAS PROBABLY SOMEWHAT SCARY LOOKING, AND PROBABLY LOOKED A BIT PANICKED BESIDES, THEY BROUGHT ME A CORDLESS PHONE FROM THEIR HOME BUT DIDN'T WANT ME TO STEP INTO THEIR HOME, WHICH WAS A TWO- OR THREE-STORY NARROW HOME IN THE NEIGHBORHOOD.

Q. YOU CALLED THE POLICE?

A. YES.

Q. DID SOMEBODY RESPOND?

A. YES.

Q. AND WHAT HAPPENED WHEN THE POLICE RESPONDED?

A. WITHIN A RELATIVELY SHORT TIME, THE POLICE CAR SHOWED UP AT THAT ADDRESS, PICKED ME UP AND TOOK ME TO THE -- I DON'T

IN THE CONTEXT OF FEELING THE NEED TO BE MORE PROTECTIVE, I DO SOMETHING I'VE NEVER DONE BEFORE, WHICH IS I KEEP HANDGUNS AROUND AND LOADED.
Q. THAT'S --
A. I HOPE NEVER TO HAVE TO USE THEM, BUT THAT'S A CHANGE.
Q. YOU KEEP THEM AT HOME?
A. YES.
Q. SO YOU --
A. I SHOULD ADD ONE OTHER THING, IF I MAY.
ONE OF THE REASONS FOR MY CONCERN IS THAT IN THAT SATCHEL THAT WAS STOLEN WAS ALL OF MY PERSONAL INFORMATION. IN THE COMPUTER THAT WAS STOLEN WAS EVERYTHING THAT YOU COULD POSSIBLY IMAGINE THAT SOMEONE WOULD WANT OR NEED TO BE ABLE TO ACCESS EVERYTHING FROM PASSPORT NUMBERS, WHEN I HAD MY PASSPORT TAKEN, TO BANK ACCOUNTS, TO SOCIAL SECURITY, TO INFORMATION ABOUT MY DAUGHTER AND MY FAMILY, EVERYTHING. SO THAT'S -- IT'S NOT JUST PARANOIA AT WORK HERE.
Q. SO THE FACT THAT YOUR PERSONAL INFORMATION WAS IN THE HANDS OF SOMEONE ELSE IS WHAT LED YOU TO TAKE MEASURES TO PROTECT YOURSELF LIKE HAVING GUNS?
A. THAT WAS ONE FACTOR, YES.
Q. NOW LET'S TALK ABOUT THE FINANCIAL LOSS THAT YOU SUFFERED.
A. OKAY.
Q. THEY STOLE THE ROLEX. YOU MENTIONED THE WATCH --
A. YES.

(**MICHAEL MARTIN**, CALLED AS A WITNESS FOR THE DEFENDANT, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:)

THE WITNESS: I DO.

THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR FULL NAME FOR THE RECORD.

THE WITNESS: MICHAEL MARTIN, M-I-C-H-A-E-L M-A-R-T-I-N.

THE COURT: MR. MARTIN, WOULD YOU MIND PULLING THE MICROPHONE CLOSE TO YOU. THANK YOU VERY MUCH.

MR. DEMEESTER: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. DEMEESTER:

Q. GOOD AFTERNOON, MR. MARTIN.

A. GOOD AFTERNOON.

Q. WE MIGHT BE MICHAEL AND PAUL TO EACH OTHER, BUT I AM GOING TO BE VERY FORMAL HERE IN COURT.

A. ALL RIGHT.

Q. ON JANUARY 28 OF 2014, WHERE WERE YOU RESIDING?

A. [redacted] JENNI LANE TRACY, CALIFORNIA.

Q. WITH WHOM?

A. MY WIFE, [redacted] MY SON, [redacted], AND MY DAUGHTER, [redacted]

Q. WE HEARD ABOUT THE FAMILY UNIT AND HOW LONG YOU'VE KNOWN WHO IS NOW YOUR WIFE.

DOES THAT CORRESPOND WITH YOUR RECOLLECTION OF WHEN THE TWO OF YOU MET?

A. YES.
Q. AND YOUR SPOUSE TALKED ABOUT YOUR EMPLOYMENT AT THE UNITED MOTORS?
A. YEAH.
Q. WHEN DID THAT COME TO AN END?
A. ABOUT APRIL 2010.
Q. AND WHEN DID YOU START TABBY FISH? AND I'M NOT REFERRING TO THE OPENING DAY PER SE, BUT THE START OF YOUR WORK ON IT?
A. EARLY PARTS OF 2012.
Q. AND BETWEEN THE CLOSURE OF THE NUMMI PLANT AND STARTING YOUR OWN RESTAURANT VENTURE, DID YOU ENGAGE IN ANY PARENTING ACTIVITIES?
A. YES.
Q. FULL TIME?
A. I WAS MR. MOM. I WAS HOMEWORK, TAKING THE KIDS TO SCHOOL, AND COOKING.
Q. WERE YOU LIVING ON JENNI LANE AT THE TIME?
A. YES.
Q. AND HOW OLD WAS YOUR DAUGHTER AT THE TIME?
A. TEN AND 11.
Q. HOW LONG HAVE YOU LIVED IN TRACY?
A. ABOUT OVER TEN YEARS.
Q. ARE YOU FROM THE BAY AREA?
A. FROM OAKLAND.
Q. DOES YOUR -- DO YOU HAVE FAMILY THAT RESIDED IN THE

OAKLAND AREA AROUND 2013, EARLY 2014?
A. YES.
Q. WHO WOULD THAT BE?
A. MY MOTHER AND MY BROTHER.
Q. OKAY. WHERE DID YOUR MOM LIVE AROUND THE 2013, 2014 PERIOD?
A. SOBRANTE PARK AREA OF OAKLAND.
Q. IS THAT A NEIGHBORHOOD?
A. YES.
Q. WHAT IS IT CLOSE TO?
A. OAKLAND AIRPORT AND 880 FREEWAY.
Q. AND IN TERMS OF THE 880 FREEWAY, IS THE NEIGHBORHOOD SOBRANTE PARK ON THE SAME SIDE OR DIFFERENT SIDE OF THE FREEWAY?
A. OPPOSITE SIDE OF THE FREEWAY.
Q. HOW FAR AWAY?
A. NOT FAR AT ALL. LESS THAN A -- ABOUT A QUARTER MILE.
Q. YOU SAW A GENTLEMAN BY THE NAME OF [redacted] HERE IN COURT?
A. YES.
Q. DID YOU ROB MR. [redacted] ON JULY 3RD OF 2013?
A. NO, I DID NOT.
Q. DID YOU ASSAULT MR. [redacted] IN ANY WAY ON JULY 3RD OF 2013?
A. NO, I DID NOT.

Q. YOU HEARD HIM DESCRIBE BEING ROBBED AND ASSAULTED?
A. YES, I DID.
Q. WERE YOU PRESENT WHEN MR. [redacted] WAS ASSAULTED AND ROBBED?
A. NO.
Q. WERE YOU AWARE OF A PLAN TO ROB MR. [redacted]
A. NO.
Q. DID YOU KNOWINGLY ASSIST IN ANY WAY TO HAVE MR. [redacted] ROBBED?
A. NO.
Q. DIRECTING YOUR ATTENTION TO JULY 11, 2013, A WOMAN BY THE NAME OF [redacted] TESTIFIED.
A. UH-HUH.
Q. DID YOU ROB MS. [redacted] ON JULY 11TH, 2013?
A. NO.
Q. DID YOU ASSAULT HER IN ANY WAY ON JULY 11, 2013?
A. NO.
Q. WERE YOU PRESENT WHEN SHE WAS ASSAULTED AND ROBBED ON JULY 11, 2013?
A. NO.
Q. WERE YOU AWARE THAT THERE WAS A PLAN TO ROB MS. [redacted] ON THAT DAY?
A. NO.
Q. DID YOU KNOWINGLY ASSIST IN ANY WAY IN THE ROBBERY OF MS. [redacted]?

A. NO.
Q. DIRECTING YOUR ATTENTION TO AUGUST 6 OF 2013. YOU HEARD THE TESTIMONY OF MR. [redacted]?
A. YES.
Q. HE WAS THE ARCHITECTURAL CONSULTANT FROM THE NORTHWEST?
A. UH-HUH.
THE COURT: IS THAT A YES?
THE WITNESS: YES. SORRY.
BY MR. DEMEESTER:
Q. THE COURT REPORTER CAN'T DETERMINE WHAT UH STANDS FOR. DID YOU ROB MR. [redacted] ON AUGUST 6 OF 2013?
A. NO.
Q. DID YOU ASSAULT MR. [redacted] IN ANY WAY ON AUGUST 6 OF 2013?
A. NO.
Q. WERE YOU PRESENT WHEN MR. [redacted] WAS ASSAULTED AND ROBBED ON AUGUST 6, 2013?
A. NO.
Q. WERE YOU AWARE OF ANY PLAN TO ROB MR. [redacted] ON AUGUST 6 OF 2013?
A. NO.
Q. DID YOU KNOWINGLY ASSIST IN ANY WAY IN THE ROBBERY OF MR. [redacted] ON AUGUST 6 OF 2013?
A. NO.
Q. TURNING YOUR ATTENTION TO OCTOBER 4 OF 2013, YOU HEARD

TESTIMONY FROM MR. [redacted] WHO WAS THE [redacted] WHO CAME TO COURT HERE.

DID YOU ROB MR. [redacted] ON OCTOBER 4 OF 2013?

A. NO.

Q. DID YOU ASSAULT MR. [redacted] IN ANY WAY ON OCTOBER 4, 2013?

A. NO.

Q. WERE YOU PRESENT WHEN MR. [redacted] WAS ASSAULTED OR ROBBED ON OCTOBER 4 OF 2013?

A. NO.

Q. WERE YOU AWARE THAT THERE WAS A PLAN TO ROB MR. [redacted] ON OCTOBER 4 OF 2013?

A. NO.

Q. DID YOU KNOWINGLY ASSIST IN THE ROBBERY OF MR. [redacted] ON OCTOBER 4, 2013?

A. NO.

Q. ASIDE FROM THOSE SPECIFIC ROBBERIES WHERE WE HEARD THE VICTIMS TESTIFY HERE IN OPEN COURT, BOTH [redacted] REFERENCED YOUR PARTICIPATION IN A NUMBER OF OTHER ROBBERY INCIDENTS. THEY ALSO TALKED ABOUT SOME OF THOSE, BUT OTHER ROBBERY INCIDENTS SEPARATE FROM THE FOUR WE JUST DISCUSSED.

DID YOU PARTICIPATE IN ANY WAY IN ANY OF THOSE OTHER ROBBERIES THAT [redacted]

A. NO.

MR. DEMEESTER: NOW, YOUR HONOR, IF I MAY ASK THAT

EXHIBIT 6-001 BE PUBLISHED.

THE COURT: IS THAT ALREADY IN EVIDENCE?

MR. DEMEESTER: THAT IS IN EVIDENCE.

THE COURT: ALL RIGHT. THEN IT MAY BE.

(EXHIBIT DISPLAYED ON SCREEN.)

BY MR. DEMEESTER:

Q. MR. MARTIN, WE HEARD ABOUT THE RENTAL OF A VEHICLE OR DIFFERENT VEHICLES IN CONNECTION WITH THE FOUR INCIDENTS WHERE THE VICTIMS TESTIFIED AND THEN ALSO THE DECEMBER 16 OF 2013 INCIDENT.

DID YOU, ON THOSE FIVE OCCASIONS, JULY 3, JULY 11, AUGUST 6, OCTOBER 4, THOSE INCIDENTS AS WELL AS THE DECEMBER 16, 2013, DID YOU INDEED RENT THE DIFFERENT VEHICLES THAT WERE TALKED ABOUT IN THOSE FIVE INCIDENTS?

A. YES, I DID.

Q. AT THE TIME THAT YOU RENTED THOSE VEHICLES, DID YOU KNOW THE PURPOSE OF THE RENTAL WAS TO TRANSPORT ROBBERY VICTIMS?

A. DEFINITELY NOT.

Q. DID YOU KNOW BY THE TIME THAT YOU TURNED EACH ONE OF THOSE VEHICLES IN, SHORTLY AFTER RENTING THEM, BE IT THE SAME DAY OR NEXT DAY FROM THE RECORDS WE LOOKED AT, DID YOU KNOW WHAT THE END OF EACH RENTAL PERIOD, SO TO SPEAK, WHEN YOU TURNED THE VEHICLE IN THAT THE VEHICLE HAD BEEN USED TO TRANSPORT AN ACTUAL ROBBERY VICTIM IN THE FOUR INCIDENTS THAT WERE DISCUSSED?

THE COURT: ALL RIGHT. IT WILL SO REFLECT. AND THIS IS FOR DEMONSTRATIVE PURPOSES.

LADIES AND GENTLEMEN, YOU WILL HAVE THE ACTUAL DEALER PLATES OR THE ACTUAL EXHIBITS IN THE JURY ROOM TO DELIBERATE.

GO AHEAD.

MR. DEMEESTER: THANK YOU, YOUR HONOR.

BY MR. DEMEESTER:

Q. MR. MARTIN, BEFORE YOU ON DISPLAY IS A PHOTOGRAPH OF PAPER DEALER PLATES, LICENSE PLATE COVER OR HOLDER THAT HAS BEEN ADMITTED IN EVIDENCE AS EXHIBIT 5 ITSELF.

WE HEARD TESTIMONY THAT YOUR FINGERPRINTS WERE FOUND ON THAT PLATE. DID YOU TOUCH EXHIBIT 5, THAT PLATE?

A. YES.

Q. OR PLATES?

AND WHEN DID YOU TOUCH THAT?

A. WHEN I DROPPED THE RENTAL OFF TO ANDREWS AND TRANSFERRING STUFF FROM HIS VEHICLE TO THE RENTAL VEHICLE.

Q. IS THAT THE ONLY TIME YOU MAY HAVE TOUCHED THOSE PLATES?

A. NO.

Q. AND TELL US ABOUT THAT.

A. HE -- LIKE I SAID BEFORE, HIS CARS WERE GENERALLY JUNKIE AND FILLED WITH STUFF. AND ANY TIME I GOT INTO ANY ONE OF HIS VEHICLES, I HAD TO MOVE STUFF IN ORDER TO SIT DOWN. AND HE HAD PAPER PLATES IN JUST ABOUT EVERY ONE OF HIS VEHICLES.

Q. AND DID THOSE PAPER PLATES LOOK FAMILIAR? HAD YOU SEEN

THEM BEFORE?
A. ON HIS CAR BEFORE, YEAH.
Q. AND DID YOU PUT THOSE PLATES, THE ONES THAT ARE IN EVIDENCE ONTO THE FORD EXPEDITION RENTAL ON DECEMBER 16TH?
A. NO.
Q. WHEN YOU TOUCHED THEM, WHERE WERE YOU AT THAT DAY?
A. IN FRONT OF ANDREW'S HOUSE.
Q. AND WHAT ALL DID YOU TRANSFER FROM ONE CAR TO THE OTHER?
A. SOME ... IT WAS A PILE -- A BAG OF CLOTHING. I BELIEVE ANOTHER COMPUTER BAG, LIKE A LAPTOP IN IT. AND I BELIEVE THE PLATES WERE IN LIKE A MILK CRATE WITH SOME OTHER PAPERS.
Q. AND WHY DID YOU TRANSFER STUFF FROM ONE CAR TO THE OTHER?
A. I BELIEVE I MADE A COMMENT TO HIM LIKE, YOU GOING TO TAKE YOUR STUFF OUT OF YOUR CAR SO I CAN ACTUALLY GET IN IT? HE STARTED GRABBING STUFF AND WAS POINTING AT THINGS THAT HE WAS GOING TO NEED IN THE OTHER VEHICLE.
Q. DID HE SPECIFICALLY MENTION THE PLATES?
A. YES. IT WAS IN THE GENERAL AREA. HE'S LIKE I'M GOING TO TAKE ALL THIS STUFF. BASICALLY EVERYTHING THAT WAS IN THE FRONT SEAT. THE ITEMS I JUST SAID WERE ALL IN THE FRONT SEAT.
Q. DID HIS PORSCHE -- WAS IT THE PORSCHE YOU DROVE THAT DAY?
A. YES.
Q. DID HIS PORSCHE HAVE ACTUAL LICENSE PLATES?
A. NO.
Q. HOW LONG HAD HE HAD THE PORSCHE BY DECEMBER 16 OF 2013?

RIGHT?
A. THAT WOULDN'T STOP HIM FROM GOING ON A DATE WITH SOMEONE.
Q. SO IT WAS -- IN ANY EVENT, IT WAS YOUR UNDERSTANDING THAT THE REASON THAT YOU WERE RENTING A SUV FOR MR. ANDREWS IS THAT HE WANTED TO GO ON A DATE?
A. YES.
Q. NOW MR. ANDREWS HAD COMMITTED FRAUD WITH YOU AS THE VICTIM BEFORE, RIGHT?
A. AS FAR AS MY DRIVER'S LICENSE? YES.
Q. AND YOU KNEW HE WAS INTO CREDIT CARD FRAUD, RIGHT?
A. SOMEWHAT, YES.
Q. YOU KNEW HE WAS INVOLVED IN ROBBERIES?
A. YES.
Q. AND, IN FACT, AS RECENT AS 2011, YOU KNEW HE WAS INVOLVED IN ROBBERIES?
A. I DON'T KNOW ABOUT 2011.
Q. WERE YOU AWARE THAT MR. ANDREWS WAS INVOLVED IN A ROBBERY IN DANVILLE IN 2011?
A. YES.
Q. NOW YOU ALSO SAID THAT WHEN MR. ANDREWS RETURNED CARS TO YOU BEFORE THAT YOU RENTED FOR HIM, THAT THEY CAME BACK DAMAGED.
A. ONE DID, YES.
Q. AND WERE RETURNED LATE OFTEN.
A. YES.

TOUCHED THESE PLASTIC LICENSE PLATES IN EXHIBIT 5, RIGHT?
A. YES.
Q. AND THEY WERE IN A MILK CRATE?
A. ALONG WITH SOME OTHER ITEMS, YES.
Q. ALONG WITH SOME PAPERS?
A. PAPERS AND CLOTHING.
Q. BUNCH OF OTHER THINGS?
A. SHOES.
Q. THAT WAS ALL IN A MILK CRATE?
A. YES.
Q. AND SO YOU MOVED THE WHOLE MILK CRATE OUT OF THE VEHICLE, RIGHT?
A. YES.
Q. BECAUSE IT WAS THE CRATE THAT WAS TAKING UP THE SPACE. YES?
A. IT WAS -- YES.
Q. IF YOU MOVED A PIECE OF PAPER OR EVEN ALL OF THE PAPERS OUT OF THAT CRATE, IF THE CRATE WAS STILL IN THE VEHICLE, IT WOULD STILL BE TAKING UP THE SAME AMOUNT OF SPACE, RIGHT?
A. CORRECT.
Q. SO IT WOULD MAKE SENSE TO REMOVE THE WHOLE CRATE?
A. YES.
Q. NOW YOU MENTIONED ON JULY 11TH WHEN YOU WENT TO MEET UP WITH CLARENCE ANDREWS AND SWAP VEHICLES, THAT THAT WAS IN CONTRA COSTA COUNTY, RIGHT?

A. YES.
Q. AND WHEN YOU MET UP WITH MR. ANDREWS AND MS. WILLIAMS AND [redacted] WHO WERE ALL THERE THAT TIME, RIGHT?
A. YES.
Q. YOU NOW SEE FROM THE TESTIMONY THAT WE'VE HEARD HERE TODAY THAT [redacted] HAD BEEN ROBBED VERY CLOSE IN TIME TO WHEN YOU WENT TO MEET THEM IN CONTRA COSTA COUNTY, RIGHT?
A. YES.
Q. AND IT IS YOUR TESTIMONY THAT THEY HAD NO OUTWARD SIGNS THAT WOULD IN ANY WAY CLUE YOU IN THAT THEY HAD JUST COMMITTED A VIOLENT ROBBERY.
A. NOT AT ALL.
Q. THEY WERE TOTALLY NONCHALANT?
A. YES.
Q. NOT SWEATING?
A. NONE.
Q. DIDN'T SEEM TO BE IN A HURRY TO GET OUT OF THERE?
A. I BELIEVE THAT DAY I WAS IN A HURRY.
Q. AND YOU DIDN'T SEE THAT THEY HAD ANY PURSES OR PERSONAL ITEMS ON THEM THAT LOOKED OUT OF PLACE?
A. NONE.
Q. NOW ON AUGUST 6TH, YOU AGREED THAT YOU RENTED A CADILLAC ESCALADE FOR MR. ANDREWS, RIGHT?
A. YES.
Q. AND WAS THIS TO GO ON ANOTHER DATE?

A. NOT ON THAT DAY, NO.

Q. THERE MIGHT BE CAMERAS IN THAT STORE, RIGHT?

A. I'M NOT SURE.

Q. BUT YOU JUST WENT TO THE PARKING LOT BECAUSE THAT'S WHERE MR. ANDREWS IN THE ESCALADE HAD A RESTAURANT TABLE FOR YOU. YES?

A. YES.

Q. AND YOU THEN TOOK THAT RESTAURANT TABLE, DID YOU TAKE IT OUT OF THE ESCALADE?

A. NO.

Q. WHAT DID YOU DO WITH IT?

A. LEFT IT IN THE ESCALADE.

Q. WHEN DID YOU GET IT?

A. WHAT DO YOU MEAN, WHEN DID I GET IT?

Q. DID IT END UP IN YOUR RESTAURANT?

A. YES.

Q. HOW DID IT END UP GETTING FROM SAN FRANCISCO TO YOUR RESTAURANT?

A. I DROVE.

Q. SO YOU GOT IN THE ESCALADE THERE IN THAT PARKING LOT AND DROVE IT BACK TO TRACY?

A. I BELIEVE SO, YES.

Q. WHY NOT JUST HAVE MR. ANDREWS PICK UP THE TABLE FOR YOU AND BRING IT BACK? WHY DRIVE OUT TO SAN FRANCISCO AND SWITCH CARS AND THEN DRIVE BACK TO TRACY?

A. THAT WAS FOR HIS BENEFIT. HE WAS STAYING IN SAN FRANCISCO.
Q. NOW YOU ALSO SAID THAT THAT WAS THE DAY, AUGUST 6TH, THAT WHEN YOU MET UP WITH MR. ANDREWS IN SAN FRANCISCO, THAT YOU MET MS. WILLIAMS, MR. ANDREWS, AND THIS INDIVIDUAL THAT YOU ONLY KNOW BY THE NICKNAME RICK ROSS, RIGHT?
A. YES.
Q. AND YOU'RE TELLING US THAT BECAUSE NOW THAT YOU'VE SEEN THAT THERE ARE ROBBERIES COMMITTED AT THESE LOCATIONS AROUND THE TIME THAT YOU ARE IN THE VICINITY, YOU THINK THAT -- OR YOUR INSINUATION IS, OH, IT WAS THIS RICK ROSS PERSON THAT DID IT? RIGHT?
A. NO. I'M NOT INSINUATING ANYTHING. I'M JUST TELLING YOU WHO WAS IN THE VEHICLES WHEN I WENT TO PICK UP THE CARS.
Q. NOW, OF ALL OF THE INDIVIDUALS WHO [redacted] NAMED AS BEING INVOLVED IN EVEN ONE OR TWO ROBBERIES, OF ALL OF THOSE PEOPLE, THE ONLY PERSON WHO THEY SAID THAT THEY DIDN'T GIVE AN ACTUAL NAME FOR WAS RICK ROSS. RIGHT?
A. I'M NOT SURE.
Q. WELL, REMEMBER THAT LIST OF INDIVIDUALS THAT YOUR ATTORNEY READ OFF A FEW MINUTES AGO?
A. YES.
Q. AND YOU SAID YOU DIDN'T KNOW ANY OF THEM?
A. YES.

SWITCHING IT OUT WITH MR. ANDREWS?
A. YES.
Q. AND YOU GOT IT BACK FROM MR. ANDREWS SOMETIME BEFORE 4:00 O'CLOCK THE NEXT DAY, RIGHT?
A. YES.
Q. BECAUSE YOU HAD TO DRIVE BACK OUT TO SACRAMENTO TO DROP IT OFF.
A. YES.
Q. SO IS THIS A DAY DATE THAT HE WENT ON?
A. NO.
Q. NOT AN EVENING DATE, THOUGH, RIGHT?
A. ALL NIGHT DATE.
Q. AND, AGAIN, I THINK YOUR DEFINITION OF DATE MIGHT BE DIFFERENT THAN MINE. WHEN YOU SAY DATE, YOU ARE SAYING THAT MR. ANDREWS WANTED THESE VEHICLES SO THAT HE COULD SLEEP WITH WOMEN.
A. PRETTY MUCH.
Q. THAT WAS YOUR UNDERSTANDING?
A. YES.
Q. SO WHEN YOU SAY THAT MR. ANDREWS WANTED TO TAKE SOMEBODY OUT ON A DATE, WHAT YOU'RE REALLY SAYING IS MR. ANDREWS WANTED TO USE THAT CAR TO SLEEP WITH A WOMAN IN THE CAR?
A. YES.
Q. AND HE HAD SIX CARS, RIGHT?
A. YES.

4:01 P.M., RIGHT?
A. YES.
Q. WHAT'S YOUR STORY THIS TIME? WHY WERE YOU IN CONTRA COSTA COUNTY ON DECEMBER 16TH?
A. I BELIEVE I WAS DOING SOME CHRISTMAS SHOPPING.
Q. YOU ARE DOING CHRISTMAS SHOPPING IN THE VICINITY OF A PLACE THAT HAD BEEN USED FOR OTHER ROBBERIES THAT WE HAD SEEN EARLIER, RIGHT?
A. EARLIER BUT NOT ON THIS DATE, RIGHT?
Q. NO ROBBERY HAPPENED ON THIS DATE, DID IT?
A. NO.
Q. BECAUSE THE POLICE INTERCEPTED THAT RENTAL VEHICLE.
THE POLICE INTERCEPTED THE RENTAL VEHICLE, DIDN'T THEY?
A. YES.
Q. AND THE VICINITY THAT YOU WERE IN IN CONTRA COSTA COUNTY AROUND 4 P.M. THAT DAY, THAT WAS PRETTY CLOSE TO WHERE ROBBERIES HAPPENED ON JULY 3RD AND ON JULY 11TH, 2013, ISN'T IT?
A. TWO CITIES OVER, BUT YEAH.
Q. WE WILL USE YOUR WORD. IT'S IN THE SAME VICINITY, ISN'T IT?
A. I WOULDN'T EVEN CALL THAT IN THE SAME VICINITY IF IT IS TWO CITIES OVER.
Q. LET'S LOOK AT PAGE ... MAYBE THE LAST MAP OF THIS EXHIBIT, OF EXHIBIT 45.

SOMETIMES IT'S DIFFICULT FOR YOU TO TRANSLATE THAT IMMEDIATELY INTO WHAT YOU ARE DOING, RIGHT? FAIR TO SAY?

A. NO. I BELIEVE I WAS TELLING HIM TO WAIT BECAUSE I WAS WAITING FOR THINGS TO POP UP.

Q. NOW IT'S ALSO TRUE THAT WHEN SOMEONE SAYS SOMETHING TO YOU, IF IT'S SOMETHING THAT IS UNEXPECTED, OFTEN YOU MIGHT NOT HEAR THAT CORRECTLY, RIGHT?

A. YES.

Q. OR IF IT'S SOMETHING WEIRD, YOU MIGHT TURN TO THE PERSON AND SAY, WHAT? WHAT DO YOU WANT ME TO SAY? RIGHT?

A. NOT IF YOU ARE TRYING TO CONCEAL THAT SOMEONE IS WITH YOU.

Q. BUT YOU HAD NO PROBLEM UNDERSTANDING WHAT MR. ANDREWS, SITTING NEXT TO YOU, WAS SAYING AND REPEATING THAT?

A. WE ARE IN A CAR WITH NO RADIO ON, WINDOWS UP, TO WHERE HE CAN HEAR THE PHONE WITHOUT IT BEING ON SPEAKER PHONE. SO THERE'S NO PROBLEM HEARING HIM.

Q. WE'VE HEARD MR. ANDREWS' VOICE. YOU HAD NO PROBLEM HEARING WHAT HE WAS SAYING --

A. HE WASN'T SAYING THEM OUT LOUD. HE WAS MOUTHING THE WORDS TO ME.

Q. YOU COULD UNDERSTAND MR. ANDREWS SAY, "HE AIN'T GOING TO JUMP IN THE WHIP THOUGH" --

A. YES.

Q. MOUTHING THAT TO YOU?

A. YES.

Q. AND HE WAS -- OH. HE ALSO MOUTHED TO YOU THEN, AND EXCUSE ME MY LANGUAGE, I WILL PARAPHRASE: THIS END GOT SOME THAT MOTHER F'ER, HE WAS ASSOCIATED WITH AN ACTUAL STORE, WASN'T HE?

HE MOUTHED ALL THAT TO YOU AND YOU JUST REPEATED IT?

A. YES.

Q. AND THEN WHEN YOU SAID, "I MEAN AIN'T NOTHING WRONG WITH PUTTING A WORM ON THE HOOK AND SEE IF THAT AND TAKE IT."

THAT WAS CLARENCE ANDREWS MOUTHING THAT TO YOU AND YOU SAID THE WHOLE THING CLEANLY TO [redacted]

A. YES.

THE COURT: ALL RIGHT. COUNSEL, WE REALLY NEED TO FINISH NOW.

BY MS. MARTIN:

Q. IT'S FAIR TO SAY YOU DON'T WANT TO GO BACK TO PRISON, RIGHT?

A. YES.

MS. MARTIN: THANK YOU, YOUR HONOR.

THE COURT: THANK YOU.

ANY BRIEF REDIRECT?

MR. DEMEESTER: THANK YOU, YOUR HONOR.

(PAUSE IN THE PROCEEDINGS.)

THE COURT: COME ON. WE NEED TO MOVE IT ALONG, COUNSEL, PLEASE.

MR. DEMEESTER: THANK YOU, YOUR HONOR.

EXHIBIT 2

☒ Face Page
☐ Continuation
☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000
P.O. Box 391, Martinez, California 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

1. DR No.	2. City Code	3. Crime/Classification	4. Detail	5. More Persons
11-7010	DAN	BURGLARY, COMMERCIAL	1. 459C 2. 182	☒

6. Day / Date / Time of Occurrence	7. Date / Time Reported	8. Employee No.	9. Reclassification
From FRI 04/22/2011 1436 To FRI 04/22/2011 1436	04/22/2011 / 1436	69564	☐

10. Address / Location of Occurrence	City	State	Zip
350 Railroad Ave	Danville	CA	94526

11. ☒ PRI ☐ VIC ☐ WIT ☐ MSP ☐ RUN ☐ SUS ☐ LEAD ☐ OTHER

[redacted]

18. Employed By or School	19. Work Phone
Smith's Jewelers	925-837-3191

20. Hair	21. Eyes	22. Ht.	23. Wt.	24. AKA / Maiden Name	25. Social Security No.
BLN	BLU	509	165		

26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)	27. Booking or Cite No.

28. ☐ PRI ☒ VIC ☐ WIT ☐ MSP ☐ RUN ☐ SUS ☐ LEAD ☐ OTHER

[redacted]

37. Hair	38. Eyes	39. Ht.	40. Wt.	41. AKA / Maiden Name	42. Social Security No.
BRO	BLU	600	190		

43. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)	44. Booking or Cite No.

45. ☐ PRI ☐ VIC ☐ WIT ☐ MSP ☐ RUN ☒ SUS ☐ LEAD ☐ OTHER

46. Name (L, F, M) Type: ○ Business ● Individual ○ Government	47. Race / Sex / Age	48. DOB	49. Driver License No/State
Peterson, Laray, Jarome	B / M / 26	[redacted]	CA

50. Address Street	City	State	Zip	51. Home Phone
[redacted]	Tracy	CA	95376	[redacted]

52. Employed By or School	53. Work Phone
Unemployed	NA

54. Hair	55. Eyes	56. Ht.	57. Wt.	58. AKA / Maiden Name	59. Social Security No.
BLK	BRO	600	180		

60. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)	61. Booking or Cite No.
	CC11CZ664

62. Veh / Ves	63. Lic No. (State)	64. Year	65. Make	66. Model	67. Body Style	68. Color
☒ S ☐ Vic	4MCR096 CA	2000	Chevrolet	Tahoe	SUV	Top Silver / Bottom Silver

69. Status	70. Registered Owner	71. R.O. Address
☐ Left ☐ Impound ☒ Stored	Michael Martin	[redacted] Jenni Ln., Tracy, CA 95377
	72. Towed to or Released to	73. Who has Keys?

74. Evid	75. F / P	76. Dispo of Evidence	77. Missing	78. Damaged
○ Yes ● No	○ Yes ● No	NA	$ 25,000.00	0

79. Brief Synopsis of Incident

SUS-Peterson, SUS-Martin, SUS-Andrews, and SUS-Williams conspired together to commit a theft, where Peterson entered a business with the intent to commit a theft of the victim's property.

I arrested the four on the following charges: SUS-Peterson, PC 459C, PC 487, PC 182, and PC 496. SUS-Martin, PC 182 and PC 496. SUS-Williams, PC 182. SUS-Andrews, PC 182 and PC 3056. Andrews is on active parole for PC 487(A), until 08/22/2013, CDC# K92234.

Reserve Officer Fick transported Peterson and Reserve Deputy West transported Andrews and Williams to the Martinez Detention Facility where they were booked on the listed charges. Chief Simpkins was on scene and approved the arrest.

80. Distribution: ☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO ☒ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner ☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC ☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

81. Additional Routing

82. Reporting Deputy (Print)	83. Date/Time Written	84. Dispo
Vincent Richards	04/24/2011 / 1000	REF

85. Approving Supv (Print)	86. Supv No.	87. Date	
Jason Haynes	65518	04/24/2011	1 of 9

36112 11/94

☐ Face Page
☐ Continuation
☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000

P.O. Box 391, Martinez, California 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

1. DR No.	2. City Code	3. Crime/Classification	4. Detail	5. More Persons
11-7010	DAN	BURGLARY, COMMERCIAL	1. 459C 2. 182	☐

6. Day / Date / Time of Occurrence	7. Date / Time Reported	8. Employee No.	9. Reclassification
From FRI 04/22/2011 1436 To	04/22/2011 / 1436	69564	☐

10. Address / Location of Occurrence	City	State	Zip
350 Railroad Ave	Danville	CA	94526

11. ☐ PRI ☐ VIC ☐ WIT ☐ MSP ☐ RUN ☒ SUS ☐ LEAD ☐ OTHER

12. Name (L, F, M): Martin, Michael, Anthony — Type: ○ Business ● Individual ○ Government
13. Race / Sex / Age: B / M / 37
14. DOB / 15. Driver License No/State: [redacted] CA
16. Address Street: [redacted]enni Lane — City: Tracy — State: CA — Zip: 95377
17. Home Phone: 510-774-5967 Cell
18. Employed By or School: Unemplyed
19. Work Phone: NA
20. Hair: BLK — 21. Eyes: BRO — 22. Ht.: 511 — 23. Wt.: 215
24. AKA / Maiden Name:
25. Social Security No.:
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.):
27. Booking or Cite No.: CC11CZ665

28. ☐ PRI ☐ VIC ☐ WIT ☐ MSP ☐ RUN ☒ SUS ☐ LEAD ☐ OTHER

29. Name (L, F, M): Andrews, Clarance, Lee JR — Type: ○ Business ● Individual ○ Government
30. Race / Sex / Age: B / M / 36
31. DOB / 32. Driver License No/State: [redacted] CA
33. Address Street: [redacted] Catron Drive — City: Oakland — State: CA — Zip: 94603
34. Home Phone: 510-470-2687
35. Employed By or School: Unemployed
36. Work Phone: NA
37. Hair: BLK — 38. Eyes: BRO — 39. Ht.: 600 — 40. Wt.: 170
41. AKA / Maiden Name:
42. Social Security No.:
43. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.): CDC K92234
44. Booking or Cite No.: CC11CZ655

45. ☐ PRI ☐ VIC ☐ WIT ☐ MSP ☐ RUN ☒ SUS ☐ LEAD ☐ OTHER

46. Name (L, F, M): Wiliams, Danielle, Nicole — Type: ○ Business ● Individual ○ Government
47. Race / Sex / Age: B / F / 24
48. DOB / 49. Driver License No/State: [redacted] CA
50. Address Street: [redacted] Seagull Ct. — City: Hercules — State: CA — Zip: 94547
51. Home Phone: 510-313-8406
52. Employed By or School: Unemployed
53. Work Phone: NA
54. Hair: BLK — 55. Eyes: BRO — 56. Ht.: 501 — 57. Wt.: 110
58. AKA / Maiden Name:
59. Social Security No.:
60. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.):
61. Booking or Cite No.: CC11CZ654

62. Veh / Ves	63. Lic No. (State)	64. Year	65. Make	66. Model	67. Body Style	68. Color
☒ S ☐ Vict	6FWJ647 CA	2001	Dodge	Intrepid	4D	Top Maroon / Bottom Maroon

69. Status: ☐ Left ☐ Impound ☐ Stored
70. Registered Owner: [redacted]
71. R.O. Address: [redacted]
Save Tow

74. Evid: ○ Yes ● No — 75. [redacted] ○ Yes ● No — 76. Dispo of Evidence: NA — 77. Missing: NA — 78. Damaged: NA

79. Brief Synopsis of Incident

See synopsis on page one.

80. Distribution: ☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO ☒ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner ☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC ☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

81. Additional Routing:

82. Reporting Deputy (Print)	83. Date/Time Written	84. Dispo
Vincent Richards	04/24/2011 / 1000	REF

85. Approving Supv (Print)	86. Supv No.	87. Date	Page
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☒ Continuation

☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000
P.O. Box 391, Martinez, CA 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

1. DR No.	2. City Code	3. Crime / Classification	4. Detail	5. Reclassification
11-7010	DAN	BURGLARY COMMERCIAL	1. 459C 2. 182	☐

[redacted]

7. Date Orig. Report	8. Employee No.
04/22/2011	69564

Address / Location of Occurrence	City	State	Zip	10. Suspect's Name (L,F,M)
350 Railroad Ave	Danville	CA	94526	Peterson, Laray, Jarome

Type: ○ Business ● Individual ○ Government

11. Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Furs; D) Vehicles; E) Office Equipment; F) Radio, TVs etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property $
$ 25,000.00

13. Narrative / Statements

On 04/22/2011, I was working uniform patrol and driving a fully marked Danville Police vehicle. At 1436 hrs, I was dispatched to Smith's Jewelers for a report of grand theft.

[redacted] told dispatch a BMA was at the location to meet a jewelry seller. During the inspection of the ring, the BMA ran out of the store with the $25,000.00 ring. [redacted] said the suspect was associated with a maroon sedan occupied by two additional subjects. [redacted] told dispatch the BMA ran from the store, past the maroon vehicle, and into the Burger King restaurant. [redacted] then told dispatch the suspect got into a silver Chevrolet SUV and headed south on San Ramon Valley Blvd.

I responded to the location as additional information was being provided to dispatch by numerous reporting persons, to include suspect and vehicle descriptions. A reporting person, I later contacted and identified as PR/WIT [redacted] had followed the silver Tahoe and reported the vehicle was driving south on San Ramon Valley Blvd.

As I arrived at the intersection of Sycamore Valley Road and San Ramon Valley Blvd, I observed a silver Chevrolet Tahoe matching [redacted] description traveling south on San Ramon Valley Blvd entering the #1 turn pocket on S/B SRVB to E/B Sycamore Valley Rd.

While staging in the 76 gas station waiting for the lights to change, [redacted] who wishes to remain anonymous, drove up to my vehicle and told me the silver Chevrolet Tahoe in the #1 turn pocket was the responsible vehicle she had followed from Burger King.

When the traffic control device turned green for the left turn pocket, I pulled out of the 76 gas station and conducted an investigative stop on the vehicle. The vehicle yielded in the parking lot of Denny's restaurant, 807 Camino Ramon. For investigative purposes, I detained the driver, SUS-Martin, in the back of my patrol vehicle.

SUS-Peterson was in the right rear passenger seat. Peterson was sweating profusely, was breathing heavy, and he had pieces of grass and weeds in his closely trimmed hair. It appeared as though Peterson was running through bushes.

Officer Culver was on scene to assist me and detained Peterson in the back of his patrol vehicle. Martin's daughter, WIT-[redacted], was seated in the left rear passenger seat behind the driver.

At this time, additional information was being provided by reporting parties via dispatch. Dispatch advised responding units that the responsible subject was seen running down into the Creek area. I then concluded Peterson may be the responsible subject who ran from the store employee and into the creek area due to being out of breath, sweating heavily, and having foliage in his hair.

Based on the multiple PR descriptions of the silver Tahoe, the anonymous PR [redacted] who

14. Distribution
☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO
☐ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner
☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC
☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

15. Additional Routing

16. Reporting Deputy (Print)	17. Date/Time Written		18. Dispo
Vincent Richards	04/24/2011 / 1000		REF
19. Approving Supv (Print)	**20. Supv No.**	**21. Date**	**22. Page**
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☒ Continuation
☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000
P.O. Box 391, Martinez, CA 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

1. DR No.	2. City Code	3. Crime / Classification	4. Detail	5. Reclassification
11-7010	DAN	BURGLARY, COMMERCIAL	1. 459C 2. 182	☐

[redacted]

7. Date Orig. Report	8. Employee No.
04/22/2011	69564

				10. Suspect's Name (L,F,M)
350 Railroad Ave	Danville	CA	94526	Peterson, Laray, Jarome

Type: ○ Business ● Individual ○ Government

11. Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Furs; D) Vehicles; E) Office Equipment; F) Radio, TVs etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property $ $ 25,000.00

13. Narrative / Statements

pointed the vehicle out as the responsible party, the fact Peterson's physical description matched the reported suspect's description, and he appeared to have been running through foliage, I concluded Peterson committed the theft and ran from the store employee.

I arrested Peterson for the theft and I read him his Miranda rights using my department issued Miranda card. I asked Peterson if he understood his rights and he said, "Yeah." I asked Peterson if "Yeah" meant yes and he said, "I said yeah."

I asked Peterson if he wanted to tell me what happened and he said, "I ain't saying nothing." Peterson then said, "I don't wanna put my life in danger, so I ain't sayin nothin." I asked Peterson if Martin was involved with the theft. Peterson did not answer.

I asked Peterson to tell what he did with the ring. Peterson did not answer.

Incident to arrest, I searched the area of the vehicle where Peterson was sitting and I found a woman's diamond ring in the rear pocket of the right front passenger seat (Map pocket). The ring had a large center cut diamond in a platinum setting. In the same pocket, I located a Diamond Grading Report #15199620 from the Gemological Institute of America (See attached photos).

: this time, Officer Phelps and Officer Maldonado responded to the area of Smith's jewelry to search for suspects. Officer Maldonado located the maroon vehicle (2001 Dodge Intrepid Lic# 6FWJ647) near the corner of Hartz Ave and School St. Officer Phelps located the two associated subjects inside the La Boulangere Café. SUS-Andrews and SUS-Williams told Officer Phelps they were alone and only visiting Danville. They observed a subject running down Hartz Ave but they did not know the subject (See Officer Phelps' supplemental report).

Danville Chief Simpkins assisted with the incident and transported VIC-[redacted] and then later WIT-[redacted] to my location for a in field line-up. Both [redacted] identified Peterson as the suspect who entered the jewelry store and committed a theft of the diamond ring. Neither [redacted] recognized Martin.

Chief Simpkins also transported both subjects to the corner of Hartz Ave and School St. Both subjects identified SUS-Andrews and SUS-Williams as persons associated with Peterson. Where [redacted] observed Peterson run by Andrews and Williams and he gave them the "Two thumbs up" signal (See Chief Simpkins' supplemental report).

Based on [redacted] statement of Peterson giving "Two thumbs up" to Andrews and Williams, they were detained for investigation of conspiracy.

Officer Phelps assisted with the incident and transported VIC-[redacted] to my location for an in field line-up. [redacted] did not recognize Martin; however, she positively identified Peterson as the suspect who entered the jewelry store and committed a theft of

Distribution
☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO
☒ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner
☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC
☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

15. Additional Routing

16. Reporting Deputy (Print)	17. Date/Time Written	18. Dispo
Vincent Richards	04/24/2011 / 1000	REF

19. Approving Supv (Print)	20. Supv No.	21. Date	22. Page
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☒ Continuation
☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000
P.O. Box 391, Martinez, CA 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

1. DR No. | 2. City Code | 3. Crime / Classification | 4. Detail 1. 459C 2. 182 | 5. Reclassification ☐

[redacted]

7. Date Orig. Report: 04/22/2011
8. Employee No.: 69564

Railroad Ave | Danville | CA | 94526

10. Suspect's Name (L,F,M): Peterson, Laray, Jarome — Type: ○ Business ● Individual ○ Government

11. Property Description: Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Furs; D) Vehicles; E) Office Equipment; F) Radio, TVs etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property $: $ 25,000.00

13. Narrative / Statements

the diamond ring. Officer Phelps then responded to the jewelry store and obtained a video CD copy of the store surveillance of the incident. Officer Phelps booked the video CD into the Danville evidence room (See Officer Phelps' supplemental report).

I separately showed the diamond ring and the GIA report [redacted] and [redacted] All parties positively identified the ring and the GIA report as the items stolen by Peterson.

While detained in the back seat of my patrol vehicle, I read Martin his Miranda rights using my department issued Miranda card. I asked Martin if he understood his rights and he said, "Yes."

Martin then told me the following: He was out with his daughter, [redacted] and was intending on taking her to a fair. At approximately 1400 hrs, his friend, Peterson, called him on his cell phone and asked to be picked up in Danville. When Martin arrived in Danville he called Peterson on his cell phone however Peterson did not answer. Peterson then called Martin from a telephone at Burger King.

When Martin arrived at Burger King, Peterson got into his vehicle. I asked Martin if Peterson was with anyone else in Danville and he said, "No." I asked Martin of he knows anyone with a maroon vehicle and he said, "No."

During the incident, a cell phone in the front driver's area of Martin's vehicle was ringing constantly. I asked Martin if the cell phone in the front driver's area belong to him and he said, "Yes." [redacted] also told me the cell phone in the front seat belonged to her father, Michael Martin.

Officer Culver assisted in the investigation and interviewed Martin's daughter, [redacted] Martin. [redacted] told Officer Culver that they were driving in circles for over 30 minutes and Martin was talking to Andrews via cell phone (See Officer Culver's supplemental report).

Danville Detective Alldritt and Danville Detective Sergeant Shields were on scene and took over the investigation. It was determined based on cell phone logs that Andrews was calling Martin via cell phone frequently throughout the incident, including during the time Martin was detained.

Based on witness statements and cell phone communications, it was determined Andrews and Williams were associated and helped coordinate the criminal activity of Peterson. During a subsequent search of Andrews and Williams incident to arrest, Peterson's property, including a cell phone, was found in Williams' purse (See Detective Alldritt and Detective Sergeant Shields supplemental reports).

It appears Andrews, Williams, Martin, and Peterson drove to Smith's Jewelry with the

Distribution
☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO
☒ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner
☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC
☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

15. Additional Routing

16. Reporting Deputy (Print)	17. Date/Time Written	18. Dispo
Vincent Richards	04/24/2011 / 1000	REF

19. Approving Supv (Print)	20. Supv No.	21. Date	22. Page
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☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000
P.O. Box 391, Martinez, CA 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

1. DR No.	2. City Code	3. Crime / Classification	4. Detail	5. Reclassification
[redacted]			1. 459C 2. 182	☐

8. Employee No. 69564

Name (L,F,M) — Type: ○ Business ● Individual ○ Government — Laray, Jarome

11. Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Furs; D) Vehicles; E) Office Equipment; F) Radio, TVs etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property $ — $ 25,000.00

13. Narrative / Statements

intent to commit a theft of a valuable ring advertised on Craig's List (See attached Craig's List listing). Andrews and Williams drove Peterson to the area in a maroon Dodge Intrepid. Peterson then entered the jewelry store with intent to commit a theft of a diamond ring valued at $ 25,000.00. Peterson then fled the area and was picked up by accomplice Martin in a silver Tahoe.

I arrested Peterson for PC 459C, PC 487, PC 182, and PC 496.
I arrested Martin for PC 182 and PC 496.

I towed the 2000 Chevrolet Tahoe pursuant to CVC 22651(H), FCN/1421111203898 (See attached tow form).

I transported Peterson and Martin to the Danville Police Department where they were further interviewed by Detective Alldritt.

Williams was arrested for PC 182 and transported to the Danville Police Department by Officer Maldonado for further interview.

Andrews was arrested for PC 182 and PC 3056 and transported to the Danville Police Department by Officer Maldonado for further interview.

Andrews in on active parole for PC 487(a), until 08/22/2013, CDC#K92234. I contacted CDC and a parole hold was placed on Andrews.

Detective Alldritt arranged to have maroon Dodge Intrepid towed pursuant to CVC 22651(H), FCN/1421111203867 (See attached tow form).

Reserve Officer Fick transported Peterson and Martin to the Martinez Detention Facility where they were booked for the above charges.

Reserve Deputy West transported Andrews and Williams to the Martinez Detention facility where they were booked on the above listed charges.

Chief Simpkins was on scene and approved the arrests.

Stolen Property:

1) One 1.65 Carat center cut diamond ring with a platinum band. Estimated value $ 25,000.00

On 04/22/2011 at approximately 1930 hrs, VIC [redacted] arrived at the police department to provide a statement to detectives. Before leaving the police department, I released the stolen property (Ring) to [redacted] (See attached property release).

Distribution: ☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO ☒ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner ☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC ☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

15. Additional Routing

16. Reporting Deputy (Print)	17. Date/Time Written	18. Dispo
Vincent Richards	04/24/2011 / 1000	REF

19. Approving Supv (Print)	20. Supv No.	21. Date	22. Page
Jason Haynes	65518	04/24/2011	6 of 9

36112 11/94

☒ Continuation

☐ Supplemental

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY CA0070000
P.O. Box 391, Martinez, CA 94553-0039

Beat 62

☐ D.V. ☐ HRO ☒ Arrest ☐ SI

[redacted]

4. Detail	5. Reclassification ☐
1. 459C 2. 182	

7. Date Orig. Report	8. Employee No.
04/22/2011	69564

Address	City	State	Zip	10. Suspect's Name (L,F,M)	Type : ○ Business ● Individual ○ Government
350 Railroad Ave	Danville	CA	94526	Peterson	Laray Jarome

11. Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Furs; D) Vehicles; E) Office Equipment; F) Radio, TVs etc.; G) Firearms; H) Household Goods; I) Misc.

12. Recovered Property $
$ 25,000.00

13. Narrative / Statements

On 04/22/2011 at approximately 2030 hrs, I released Martin's property to his wife [redacted] Martin (See attached property release).

On 04/23/2011 at approximately 0845 hrs, I released Williams' property (Purse) to her (See attached property release).

On 04/23/2011 at approximately 1130 hrs, I contacted [redacted] via telephone and she told me the following:

[redacted] adamantly desires to remain anonymous for fear of her safety. [redacted] told me when she observed a BMA run out of the jewelry store on Hartz Ave and was being chased by an older WMA, she felt a crime may have been committed. She called 911 via her cell phone and stayed on the line with dispatch while she watched the BMA subject running around. The BMA subject ran through parking lots, ran around on Front St., ran behind the library, then ran to Burger King where he got into the right rear passenger seat of the silver Chevrolet Tahoe. She then followed the Tahoe S/B on San Ramon Valley Blvd. The Tahoe then entered the turn lane to E/B Sycamore Valley Rd. When she observed a police vehicle in the 76 station, she proceeded straight, conducted a u-turn at Podva Rd, and responded to the 76 station to advise the officer of the responsible vehicle.

14. Distribution
☐ B ☐ C ☒ DA ☐ DE ☐ L ☐ O ☐ MOTCO
☒ Investigation ☐ MP ☒ HSU/IPT ☐ V ☐ Coroner
☐ Property Ck. ☐ Patrol Clerk ☐ R.O. ☐ SHC
☒ Patrol Captain ☐ Compl.Ofc. ☐ Crime Analysis ☐ OAK

15. Additional Routing

16. Reporting Deputy (Print)	17. Date/Time Written		18. Dispo
Vincent Richards	04/24/2011 / 1000		REF
19. Approving Supv (Print)	**20. Supv No.**	**21. Date**	**22. Page**
Jason Haynes	65518	04/24/2011	7 of 9

36112 11/94

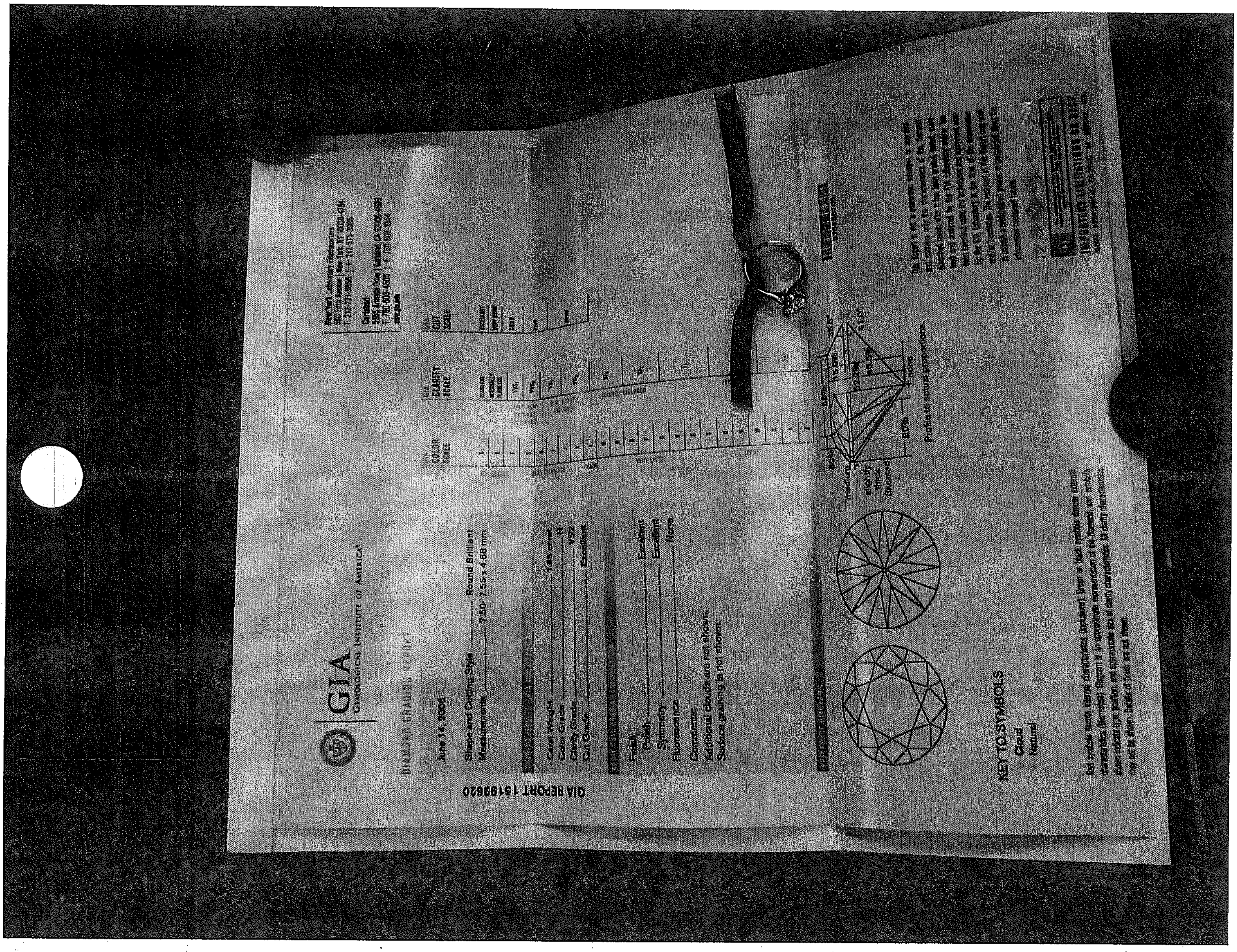
GIA
GEMOLOGICAL INSTITUTE OF AMERICA
Round Brilliant
Profile to actual proportions
KEY TO SYMBOLS

EXHIBIT 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

- - - - - - - - - - - - - - - - -
UNITED STATES,)
Plaintiff,)
) CASE NO.
V.) CR14-00093 JSW
)
MICHAEL MARTIN,)
Defendant.)
- - - - - - - - - - - - - - - - -

AUDIO TRANSCRIPTION OF INTERVIEW
OF MICHAEL MARTIN (PART 1 OF 2)
WEDNESDAY, JANUARY 29, 2014

BEHMKE REPORTING AND VIDEO SERVICES, INC.
BY: JENNIFER GERATY, CSR NO. 13350
160 SPEAR STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94105
(415) 597-5600

MR. MARTIN: She came back --
INVESTIGATOR: Oh. Oh.
MR. MARTIN: -- to see the fucking house ransacked and shit stolen and whatnot. But fear, and

♀

she bought a pistol.
INVESTIGATOR: Okay.
INVESTIGATOR: Probably Clee.
MR. MARTIN: Huh?
INVESTIGATOR: Probably Clee.
INVESTIGATOR: That'd suck. Okay.
INVESTIGATOR: Oh, mike cleared. It's
[redacted]
INVESTIGATOR: He's in custody.
PAUL HEALY: You know, you -- you cannot get a phone call in the Oakland Police Department. Like, their -- their walls are like a faraday cage.
INVESTIGATOR: Oh, is that right?
PAUL HEALY: Yeah. It's, like, old school. It's like a dungeon. When someone goes in with the cellphone, it -- it gets absorbed. Those guys aren't picking up their phone. So -- so how'd that Marine World robbery go? You working there?
MR. MARTIN: Yup. I was an accountant.
PAUL HEALY: In the -- in the main office there?
MR. MARTIN: The money room.
PAUL HEALY: The money room? Did you discuss it with Clee or -- I know you guys did --

MR. MARTIN: Got fucked up and did it. Yeah.

♀

I mean, I spoke about shit, you know. Probably spoke about shit too much. And shit -- and be perfectly honest, I said shit before, if I would have been involved, it wouldn't have been a way for these mother fuckers to get caught, 'cause, you know, I -- I'm fucking in there. But the way they did -- did the shit, it just -- just gorilla, you smash in, take some shit. I mean, yeah, it was a hella lot ways to do -- than they were to do that a whole lot better if that was the case, but --

PAUL HEALY: But it was Clee?

MR. MARTIN: Yeah.

PAUL HEALY: And he got convicted of it; right?

MR. MARTIN: Yeah.

PAUL HEALY: And it was 460,000? Wow. That's a big lick.

INVESTIGATOR: Pinned himself on the fence on the way out.

PAUL HEALY: Did he? They got DNA?

MR. MARTIN: Oh, yeah. Yeah.

PAUL HEALY: It was just Clee or --

INVESTIGATOR: Did you ever see a dollar of it?

MR. MARTIN: Fuck no.

EXHIBIT 4

From: Jennifer K Fisher
Sent: Thursday, March 20, 2014 11:31 AM
To: paul.healy@ic.fbi.gov
Subject: 4722z8737

SA Healy,

FBI Case Number: 192B-SF-2920579
State Farm Claim Numbers: 47-2278-737 and 47-24G7-895
Our Insured: [redacted]

Attached please find all the supporting documentation regarding Mr[redacted]s claims with State Farm that relate to his 8/6/13 loss. Mr.[redacted] claim was [redacted]der his renters policy and his personal articles policy for his [redacted]

Our request for restitution is as follows:

State Farm Payments and Expenses:

Payments for stolen property to [redacted]	$51,319.81
Deductible (due back to [redacted]	512.47
Investigative hours, Claim Rep Jennifer Fisher 8 hrs@ 50.76/hr	406.08
TOTAL	**$52,238.36**

Enclosures: Contents inventory prints (2)
Settlement letters/emails (4)
Payments (3)
Notice of payment to SFPD (2)
Breakdown of payments

Please let me know, if you have any questions or I can be of any further assistance.

Jennifer Fisher
Claim Representative
Special Investigative Unit
State Farm Insurance Company
Office: 425-951-5069
Fax: 425-951-5075
jennifer.k.fisher.bl17@statefarm.com

«...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...»
«...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...» «...OLE_Obj...»

STATE FARM INSURANCE

Contents Inventory Summary

Created on 03-18-14

Customer: [redacted]

Claim Number: 4724G7895
Policy Number: 47BWS6442
Personal Property Limits: $200,600.00
Claim Handler: Jennifer Fisher (888)857-2926
Unit: 52

Date of Loss: 08-06-2013
Catastrophe Code:

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
1	1	Shirt		Actual Cash Value	130.20	0.00	0.00	130.20	130.20	130.20	0.00	130.20	0.00	0
2	1	Socks		Actual Cash Value	21.70	0.00	0.00	21.70	21.70	21.70	0.00	21.70	0.00	0
3	1	Belt - Ostrich		Actual Cash Value	162.75	40.00	65.10	97.65	162.75	97.65	0.00	97.65	65.10	1
4	1	Condo key fob / Enso		Replacement Cost	75.00	0.00	0.00	0.00	75.00	75.00	0.00	75.00	0.00	0
5	1	Wallet		Actual Cash Value	10.85	9.95	1.08	9.77	10.85	9.77	0.00	9.77	1.08	1
6	1	Folio		Actual Cash Value	32.55	40.00	13.02	19.53	32.55	19.53	0.00	19.53	13.02	1
7	1	Leather Attache envelope		Actual Cash Value	162.75	10.00	16.27	146.48	162.75	146.48	0.00	146.48	16.27	1
8	1	Computer Pouch / Sony duo 13		Insured Replaced	43.79	0.00	0.00	0.00	43.79	43.79	0.00	43.79	0.00	0
9	1	Computer / Sony Vaio Duo 13 Ultrabook	HC	Insured Replaced	2,956.49	0.00	0.00	0.00	2,956.49	2,956.49	0.00	2,956.49	0.00	0
10	1	Eyeglasses gold & wood		Actual Cash Value	1,300.00	10.00	130.00	1,170.00	1,300.00	1,170.00	0.00	1,170.00	130.00	1
11	1	Sunglasses prescription / Charlotte Jones Opticians		Insured Replaced	1,269.00	0.00	0.00	0.00	1,269.00	1,269.00	0.00	1,269.00	0.00	0

* Indicates an item was ordered through Replacement Service.
** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

Claim Number: 4724G7895 **Custome** [redacted]

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
12	1	Eyeglasses - Theo / prescription glasses		Actual Cash Value	500.00	30.00	150.00	350.00	500.00	350.00	0.00	350.00	150.00	1
13	1	CASH U.S.	MO	Replacement Cost	150.00	0.00	0.00	0.00	150.00	150.00	0.00	150.00	0.00	0
14	1	Razor		Actual Cash Value	303.80	33.33	101.26	202.54	303.80	202.54	0.00	202.54	101.26	1
15	1	Shaving gear		Actual Cash Value	54.25	9.99	5.42	48.83	54.25	48.83	0.00	48.83	5.42	1
16	1	Cell Phone Nokia / Lumia 920	HC	Insured Replaced	546.41	0.00	0.00	0.00	546.41	546.41	0.00	546.41	0.00	0
17	1	iPhone / iPhone 4 - 32 gb	HC	Actual Cash Value	434.00	16.67	72.33	361.67	434.00	361.67	0.00	361.67	72.33	1
18	1	Pencil Montblank / burgandy mechanical pencil		Actual Cash Value	301.63	10.00	30.16	271.47	301.63	271.47	0.00	271.47	30.16	1
19	1	Watch - Rolex / Vintage pol lmts pd under PAP	JF	Replacement Cost	2,807.75	0.00	0.00	0.00	2,807.75	2,500.00	0.00	2,500.00	0.00	0
20	1	Watch - Heuer / vintage paid limits under pap	JF	Replacement Cost	1,674.62	0.00	0.00	0.00	1,674.62	1,674.62	0.00	1,674.62	0.00	0
21	1	Microsoft Office 365 / Software for laptop	HC	Insured Replaced	109.49	0.00	0.00	0.00	109.49	109.49	0.00	109.49	0.00	0
22	1	Computer Protection Plan / Sony - prev plan expired	HC	Not Covered	437.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0
23	1	Passport & doc replacement		Insured Replaced	490.00	0.00	0.00	0.00	490.00	490.00	0.00	490.00	0.00	0
24	1	Cables		Actual Cash Value	54.25	33.33	18.08	36.17	54.25	36.17	0.00	36.17	18.08	1
25	1	Chargers		Actual Cash Value	54.25	33.33	18.08	36.17	54.25	36.17	0.00	36.17	18.08	1
26	1	Sony headphones / Noise cancelling		Actual Cash Value	54.25	33.33	18.08	36.17	54.25	36.17	0.00	36.17	18.08	1
27	1	Boxer Brief / Costco 4pk $10.99		Actual Cash Value	2.98	33.22	0.99	1.99	2.98	1.99	0.00	1.99	0.99	1

* Indicates an item was ordered through Replacement Service. ** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

Claim Number: 4724G7895 **Customer:** [redacted]

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
28	1	Duffle bag / Costco		Actual Cash Value	10.85	24.98	2.71	8.14	10.85	8.14	0.00	8.14	2.71	1
29	1	Shoes - mens loafers / Nordstrom replaced w/more exp		Insured Replaced	217.00	0.00	0.00	0.00	217.00	217.00	0.00	217.00	0.00	0
30	1	Cash - Euros / US $ equivalent $100 euros	MO	Replacement Cost	131.13	0.00	0.00	0.00	131.13	50.00	0.00	50.00	0.00	0
31	1	Cash - Candadian / US $ equivalent CA $	MO	Replacement Cost	98.65	0.00	0.00	0.00	98.65	0.00	0.00	0.00	0.00	0
				Totals	14,598.38		642.58	2,948.48	14,160.39	13,030.28	0.00	13,030.28		

Policy Deductible:	$1,000.00
Deductible Absorbed:	$487.53
Personal Property Over Limits:	$0.00
Total Replacement Cost Available:	$642.58

Total For All Settlements:	$13,030.28
Less Deductible Applied:	$512.47
Less Advances and Other Payments:	$0.00
Less Ordered Items:	$0.00
Less Previous Payments to Customer:	$0.00
Plus Customer Payments:	$0.00
Amount Due Customer:	$12,517.81

* Indicates an item was ordered through Replacement Service. ** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

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Claim Number: 4724G7895 **Customer:** [redacted]

Special Limits Involved:

SPECIAL LIMIT LIABILITY		Item Limit	Amount Over Special Limit (per item)	Aggregate Limit	Amount Over Special Limit (aggregate)	Replacement Cost Available (if applicable)
BP	BUSINESS PROPERTY	0.00	0.00	1,500.00	0.00	**
FA	FIREARMS	0.00	0.00	2,500.00	0.00	**
HC	HOME COMPUTERS	0.00	0.00	10,000.00	0.00	**
JF	JEWELRY & FUR	2,500.00	307.75	5,000.00	0.00	**
MO	MONEY	0.00	0.00	200.00	179.78	**
OR	ORIENTAL RUGS	5,000.00	0.00	10,000.00	0.00	**
SG	SILVER & GOLD WARE	0.00	0.00	2,500.00	0.00	**
SI	SECURITIES & NEGOTIABLE INSTRUMENTS	0.00	0.00	1,000.00	0.00	**
ST	STAMPS & TRADING CARDS	0.00	0.00	2,500.00	0.00	**
TR	TRAILERS	0.00	0.00	1,500.00	0.00	**
WC	WATERCRAFT	0.00	0.00	1,500.00	0.00	**

Important Information - Additional Payments May be Available for Replacement Cost - Personal Property:

Your policy may provide for additional payments on a replacement cost basis for some of your personal property items.

The personal property items must be repaired or replaced within a specified period of time in order to present a claim for additional payments on a replacement cost basis. The personal property items must be repaired or replaced within 2 years from your date of loss. Please refer to your policy for specific time limits and additional settlement provisions. Depending on the amount you spend, the column entitled "Replacement Cost Available" lists the additional payment you may be eligible to receive when each item is repaired or replaced.

Following repair or replacement, please submit your documentation to us referring to the claim number and item number.

Please contact your claim representative if you have any questions.

* Indicates an item was ordered through Replacement Service. ** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

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September 10, 2013

State Farm
Pacific Northwest SIU
P.O. Box 52277
Phoenix, AZ 85072-2277

[redacted]

RE: Named Insured: [redacted]
Claim Number: [redacted]
Policy Number: 47-BB-Y104-4
Loss Date: August 6, 2013
Loss Type: Theft

Dear [redacted]

Thank you for the opportunity to handle your claim. Enclosed please find our payment in the amount of $38,702 representing settlement under your Personal Articles Policy for item 3 Rolex watch and item 4 Heuer watch.

As we discussed, the replacement cost of your vintage Rolex Daytona watch is $36,950 plus applicable sales tax. As your policy limit for your Rolex is $37,283 that is the maximum we can pay for this item. The insurance replacement cost of your Heuer watch is $3,179 plus applicable sales tax. As your policy limit for your Heuer watch is $1,519 that is the maximum we can pay for this item. These items have a $100 deductible. Therefor your settlement is as follows:

Item 3 Rolex		**$37,283.00**
Item 4 Heuer		**$ 1,519.00**
Deductible	**-**	**$ 100.00**
Settlement		**$38,702.00**

Please call me if you have any questions.

Sincerely,

Jennifer Fisher
Claim Representative
Special Investigative Unit
425 951-5069
Fax 425 951-5075
State Farm Fire and Casualty Company

Enclosure: Payment

STATE FARM INSURANCE

Contents Inventory Summary

Created on 09-12-13

Customer: [redacted]

Claim Number: 4722Z8737
Policy Number: 47BBY1044
Personal Property Limits: $38,802.00
Claim Handler: Jennifer Fisher
(888)857-2926
Unit: 41

Date of Loss: 08-06-2013
Catastrophe Code:

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
1	1	ROLEX "DAYTONA" COSMOGRAPH, S	RO	Negotiated	39,906.00	0.00	0.00	0.00	39,906.00	37,183.00	0.00	37,183.00	0.00	0
2	1	HEVER MAN'S WATCH.	HU	Replacement Service	3,179.00	0.00	0.00	0.00	3,179.00	1,519.00	0.00	1,519.00	0.00	0
				Totals	43,085.00		0.00	0.00	43,085.00	38,702.00	0.00	38,702.00		

Policy Deductible: $100.00
Deductible Absorbed: $100.00
Personal Property Over Limits: $0.00
Total Replacement Cost Available: $0.00

Total For All Settlements: $38,702.00
Less Deductible Applied: $0.00
Less Advances and Other Payments: $0.00
Less Ordered Items: $0.00
Less Previous Payments to Customer: $0.00
Plus Customer Payments: $0.00
Amount Due Customer: $38,702.00

* Indicates an item was ordered through Replacement Service.
** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

Claim Number: 4722Z8737 **Customer:** [redacted]

Special Limits Involved:

SPECIAL LIMIT LIABILITY		Item Limit	Amount Over Special Limit (per item)	Aggregate Limit	Amount Over Special Limit (aggregate)	Replacement Cost Available (if applicable)
HU	Heuer	0.00	0.00	1,519.00	1,660.00	**
RO	Rolex	0.00	0.00	37,183.00	2,723.00	**

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Providing Insurance and Financial Services
Home Office, Bloomington, IL

State Farm®

September 23, 2013

State Farm Claims
P.O. Box 52277
Phoenix AZ 85072-2277

[redacted]

RE: Claim Number: 47-22Z8-737
Date of Loss: August 06, 2013
Our Insured: [redacted]

Dear [redacted]

Enclosed please find our payment of $100 representing a refund of your deductible under your Personal Articles Policy claim. As we discussed, you have satisfied your deductible through your Renters Policy claim and therefor your deductible has been waived under this claim.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jennifer Fisher
Claim Representative
(425) 951-5069

Fax: (877) 449-5794

State Farm Fire and Casualty Company

Enclosure: Payment

From: Jennifer K Fisher
Sent: Thursday, September 19, 2013 11:36 AM
To: [redacted]
Subject:

[redacted]

Attached please find our Contents Inventory Summary print. It is a list of your stolen items, their ages, cost to replace, depreciation, and settlement based on replacement cost or actual cash value.
Your policy has a limit of $200 for stolen money. Because your loss exceeds this limit, the amount over your limit has been absorbed into your deductible. We are also making an additional payment under your renters claim for your Rolex and Heuer watches which were underinsured on your personal articles claim. Under your renters claim, you have a limit of $2,500 for one item. The additional amount owed for the Rolex exceeds this $2,500 policy limit, therefore the difference has also been absorbed by your deductible.
What this all means to you is that your $1,000 deductible has been reduced by a total of $487.53. Therefore we applied a deductible of $512.47 to this claim.
Several of your items have replacement cost benefits still available. Please note that if you wish to replace any of these items, we will pay up to the difference between our cost to replace and depreciated amount. However, in order to claim replacement cost benefits, you will need to submit a copy of the actual replacement cost receipts.
If you do not wish to claim additional replacement cost benefits at this time, I will conclude your claim and forward you a check for $12,517.81.
If you have any questions regarding the claim process or the contents inventory settlement, please do not hesitate to let me know.
Sincerely,

Jennifer Fisher
Claim Representative
Special Investigative Unit
425-951-5069
jennifer.k.fisher.bl17@statefarm.com
Fax: 888-251-6069

State Farm Fire & Casualty Company
Home Office: Bloomington, Illinois

<<...OLE_Obj...>>

Payment Number: 115207186J **Issued Date:** 09/10/2013

Payment Status: Paid on 09/24/2013

Total Paid Amount: 38,702.00 **Authorized By:** Jennifer Fisher (BL17)

Entered By: Jennifer Fisher (BL17)

Remarks: SETTLEMENT ITEMS 3,4

[redacted]

Addres [redacted]

SSN/TI [redacted]

Payment Detail Lines

Participant/COL/Line	Trans	Pay Cd	Paid Amount	Rsn Cd
Named Insured(s) / 57 / 001	D	1	38,702.00	

Payment Header Payment Details

Back Move Edit

Payment Number: 115231862J **Issued Date:** 09/23/2013

Payment Status: Paid on 09/30/2013

Total Paid Amount: 100.00 **Authorized By:** Jennifer Fisher (BL17)

Entered By: Jennifer Fisher (BL17)

Remarks: deductible

Payable To

[redacted]

Payment Detail Lines

Participant/COL/Line	Trans	Pay Cd	Paid Amount	Rsn Cd
Named Insured(s) / 57 / 001	D	3	100.00	

Payment Number: 115232052J **Issued Date:** 09/23/2013

Payment Status: Paid on 09/30/2013

Total Paid Amount: 12,517.81 **Authorized By:** Jennifer Fisher (BL17)

Entered By: Jennifer Fisher (BL17)

Remarks: renters policy settlement

Payable To

[redacted]

Payment Detail Lines

Participant/COL/Line	Trans	Pay Cd	Paid Amount	Rsn Cd
Named Insured(s) / 57 / 001	D	1	12,517.81	

FBI Case Number: 192B-SF-2920579

State Farm Claim Numbers: 47-22Z8-737 and 47-24G7-895

Insured: [redacted]

State Farm Payments and Expenses:

Payments for stolen property to Hugh Hochberg	$51,319.81
Deductible (due to Hugh Hochberg)	512.47
Investigative hours, Claim Rep Jennifer Fisher 8 hrs@ 50.76/hr	406.08
TOTAL	**$52,238.36**

P.S. [redacted] probably has additional out of pocket for his flight, other travel related [redacted] and additional amounts incurred to replace some of the stolen items. At the time of our settlement, it was easier for [redacted] to accept an actual cash settlement versus replacing all the items and [redacted] the replacement cost receipts for each item. His settlement was reduced by $636.17.

Providing Insurance and Financial Services
Home Office, Bloomington, IL

State Farm®

September 23, 2013

[redacted]

State Farm Claims
P.O. Box 52277
Phoenix AZ 85072-2277

RE: Claim Number: 47-24G7-895
Policy Number: 47BWS6442
Date of Loss: August 06, 2013

Dear [redacted]

Enclosed you will find your payment of $12,517.81 for your claim along with a copy of your inventory forms showing how we arrived at this figure.

Your policy may provide for additional payments on a replacement cost basis for some of your personal property items. The personal property items must be repaired or replaced within two (2) years from the date of loss in order to receive additional payments on a replacement cost basis. Until repair or replacement is completed, the settlement for personal property will be based on the cost to repair or replace that item less depreciation.

The column entitled "Replacement Cost Available" on the inventory form lists the additional payment you may be eligible to receive, subject to the amount you actually and necessarily spend (or contract to purchase, order, etc.), when each item is repaired or replaced.

The total of all payments for the item shall not exceed the smaller of the following:

1. Our cost to replace the personal property item at the time of loss.
2. The full cost of repair.
3. Any special limit of liability described in the policy.
4. Any applicable Coverage B limit of liability.

Following repair or replacement, please submit your documentation to us referring to the claim and item number. Retain copies for your records as we are unable to return originals.

Please be aware that the following Special Limits were applied to your personal property claims:

Jewelry/Furs	$2,500/5,000
Money	$200

If you receive communication from the court or the police indicating that someone is being charged with the theft of your property, please contact our office. We will then advise the court of our mutual interest in this matter.

As a State Farm® policyholder, you can enjoy the benefits of online registration. Benefits include checking the status of your claim online; managing your insurance information and accounts; and staying connected to State Farm. Just go to **statefarm.com**® to get registered. All you need to complete the process is your State Farm policy or account number, your email address, and about five minutes. If you are already registered, thank you!

Thank you for allowing us to be of service and for choosing State Farm Insurance.

Sincerely,

Jennifer Fisher
Claim Representative
(425) 951-5069

State Farm Fire and Casualty Company

Enclosures: Contents Inventory Summary

For your insurance and financial needs, please contact an agent or visit statefarm.com®.

State Farm Fire and Casualty Company
Home Office, Bloomington, IL

October 03, 2013

San Francisco District Attorney
Victim Services
850 Bryant St Ste 322
San Francisco CA 94103-4613

State Farm Claims
P.O. Box 52277
Phoenix AZ 85072-2277

RE: Claim Number: 47-22Z8-737
Date of Loss: August 06, 2013
[redacted]

To Whom It May Concern:

We recently paid our insured(s) for a theft loss. State Farm® is entitled to any recoveries made of the stolen watches and personal property.

The items stolen were:

See attached list of stolen items including the amount paid. Please note that we paid this loss under two separate policies as [redacted] had additional coverage for this watches and personal property under a Renters policy. I am enclosing a letter and supporting documentation for that portion as well.

Please notify us if any of the stolen articles are recovered or if suspects are apprehended in relation to this loss.

Sincerely,

Jennifer K Fisher
SIU Investigator
(425) 951-5069
Fax: (425) 951-5075

State Farm Fire and Casualty Company

Enclosure: List of Stolen Items

cc: Detective Gasanyan, San Francisco PD case 13-0649554

State Farm Fire and Casualty Company
Home Office, Bloomington, IL

October 03, 2013

San Francisco District Attorney
Victim Services
850 Bryant St Ste 322
San Francisco CA 94103-4613

State Farm Claims
P.O. Box 52277
Phoenix AZ 85072-2277

RE: Claim Number: 47-24G7-895
[redacted]

To Whom It May Concern:

We recently paid our insured(s) for a theft loss. State Farm® is entitled to any recoveries made of the stolen personal property.

The items stolen were:

See attached list of stolen items including amout paid. Please note that we paid this loss under two separate policies as [redacted] had additional coverage for his watches under a Personal Articles Poilcy. [redacted]ng a letter and supporting documentation for that portion as well.

Please notify us if any of the stolen articles are recovered or if suspects are apprehended in relation to this loss.

Sincerely,

Jennifer K Fisher
SIU Investigator
(425) 951-5069
Fax: (425) 951-5075

State Farm Fire and Casualty Company

Enclosure: List of Stolen Items

EXHIBIT 5

UNITED STATES v. Michael Martin, et al.
USAO # 2013R01977
Court Docket # 14-CR-00093

VICTIM IMPACT STATEMENT/VIOLENT CRIME

NAM[redacted]

Please continue statements on an additional sheet of paper if you wish.

How have you and members of your family been affected by this crime?

My career and much of my personal life depend on two things. One is extensive travel, and until being kidnapped, beaten, and robbed I was able to travel without anxiety, fear, or concern. This is no longer the case. The other is my intellectual capital. I am widely recognized in the world of the practice of architecture and other related disciplines. Clients tell me that they value me as a consultant because of my ability to help them make and implement good strategic and operational decisions. I frequently was able to refer to, extract from, and continually build on the files that were in my computer that Mr. Martin and his cohorts stole.That computer contained about 317,000 files developed over my entire career -- including the pre-computer era -- most of which were from my professional life, and the balance my personal life in the form of photographs and correspondence from my now parents and other family members. After the events of this

(CONTINUED ON NEXT PAGE)

Have you or members of your family received counseling or therapy as a result of this crime? Please explain. Do you wish future counseling to assist you and/or your family in recovering from the crime?

Possibly as a result of the traumatic aspects of the kidnapping, beating, and robbery, I now see a cardiologist for heart issues.

Have you filed a civil suit against the defendant? If yes, please list the case name, court location, and docket number.

Not yet.

Do you relate to people differently since the crime? Please explain.

I am more cautious with strangers and take longer to develop trust in people with whom I interact.

case, I tried to recover the files from the two backup systems that presumably contained my files. As I result, the theft resulted in the loss of approximate 302,000 of the 317,000 files. The 15,000 that I was able to recover came from old computers.

Also in the computer were digital manuscripts of several articles and two books I have been writing, one of which I began in 1998. I don't know how to estimate the time and thought that I put into all of these.

Since the robbery, I have spent about 500 hours recreating files. At my hourly billing rate of $600, this equates to $300,000 per year, and to date I've created or recovered from clients only a small fraction of the files (and none of the photographs and other personal files). I have several years of work ahead of me, and now at age 70, this is a discouraging amount of work.

I estimate that some of the files will take about 15 minutes to recreate, and at the other extreme, some will take days or even weeks. Based on an average cost of my labor at $100 per file, the total loss of intellectual capital – $100 x 302,000 – equals $30,200,000, which I believe Mr. Martin and his cohorts owe me, even if it takes the remainder of their entire lives.

VICTIM IMPACT STATEMENT/VIOLENT CRIME **PAGE 2**

Have your feelings about yourself and society changed since the crime? Please explain.

Yes. Please refer to the response to the previous question.

How has the crime affected you and your family's lifestyle?

Yes. Please refer to responses to previous questions.

Has the crime affected your family's livelihood? If so, how?

I now am spending about 500 hours a year to recreate intellectual capital. At my billing rate of $600/hour, this is $300,000/year of lost income. As a result, I am behind in paying some expenses, including taxes.

Have you experienced any of the following reactions to the crime:
PLEASE REALIZE THESE ARE NORMAL REACTIONS TO A TRAUMATIC EVENT.

X Anger X Anxiety X Fear __ Grief __ Guilt X Sleep Loss X Nightmares

__ Appetite Change X Unsafe X Trouble Concentrating X Easily startled

__ Forgetfulness __ Depression __ Chronic Fatigue __ Repeated Memory of Crime

X Fear the Defendant Will Return __ Uncontrolled Crying

Please describe any other reactions to the crime committed.

Do you feel the defendant is or will be a threat to you, your family or the community?

X Yes __ No If so, please explain.

Mr. Martin and his cohorts have already shown their tendency, readiness, and ability to overwhelm in numbers and brutality their victims, some of which efforts were orchestrated by some of their cohorts who were in prison at the time.

VICTIM IMPACT STATEMENT/VIOLENT CRIME

What else would you like the Judge to know about the defendant, the victim or your family?
At age 70, it is very late in life to have to restart certain aspects of the career on which I have spent 48 years.

FINANCIAL STATEMENT:

A. Damages

1. List money or property lost, destroyed or damaged and its value. (Wherever possible, attach receipts, repair bills, etc.)

Intellectual Property ..... $ 30,200,000
Personal Files (photos, etc.) ..... $ Irreplacable
Personal property $ 90,316 (SEE NEXT PAGE)

2. List medical expenses (again, attach any supporting receipts) and /or out of pocket costs for funeral expenses.

_______ .....$ _______
_______ .....$ _______

3. List lost income or wages for which you have not been compensated. (Attach verification).....$ $300,000/year

4. List miscellaneous expenses (type and amount). Include such items as necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense. (Attach verification)

Lost income for one day ....$ 4,800.00
_______ ....$ _______
_______ ....$ _______

5. List expenses for counseling or therapy.$ _______ Are you currently in therapy? No

Have you applied for State Victim Compensation or other Programs to assist in paying for costs such as counseling or medical bills, that may also be eligible to be repaid through restitution? Yes ____ No X

Program name and address: _______

TOTAL LOSS .....$ 31,104,800

Rolex Daytona watch $36,900

Heuer chronograph watch $4,500

Cable & chargers $100 ~ acquired 2010-2013
Shirt $120 ~ acquired 2013
Socks $20 ~ acquired 2013
Ostrich belt $150 ~ acquired 2011
Enso (condo) key fob $75 ~ acquired 2013
Wallet $10 ~ acquired 2011
Folio $30 ~ acquired 2011
Attaché leather envelope $150
Computer pouch $40 from South Africa ~ acquired 2011
Computer $3,443 + $3,500 software = $6,943 ~ acquired 2010-2013
Gold & Wood glasses $1,300 ~ acquired 2011
Dita prescription sunglasses $1269 (receipt provided previously) ~ acquired 2013
Theo prescription eyeglasses $500+ ~ acquired 2010
Cash $150 (US)
Cash 100 Euros = $131
Cash $100 Canadian = $99
Razor $280 ~ acquired 2012
Shaving gear $50
Nokia Lumia 920 $700 ~ acquired 2013
IPhone $400 ~ acquired 2012
Montblanc mechanical pencil (burgundy) $278
Expenses for passport and identification replacement $598 (and climbing)

Foregone income to deal with this so far: 43 hours at $500/hour = $21,500 (probably not covered by insurance)
Toyota key and fob $300 plus labor for total of $670 (which may be covered by the auto policy), receipt provided previously
Towing $340 (already reimbursed, less deductible) to have car towed from airport since the key was taken in the robbery)
TOTAL: $90,316

302,000 files in computer (including two books on which I had been working) that turned out not to be retrievable from what turned out to be a failed backup system, at minimum of $100 each to recreate: $30,200,000

GRAND TOTAL: $30,290,316

VICTIM IMPACT STATEMENT/VIOLENT CRIME

B. Reimbursement received (please attach receipts)

1. Property insurance.....$ 69,000
   + AUTO INSURANCE
2. Medical insurance.....$ ___________
3. State Victim Compensation.....$ ___________
4. Other (list source and amount) (a) ___________.....$___________

(b) ___________.....$___________ (c) ___________....$___________

TOTAL REIMBURSEMENT .....$ 69,000

****

I declare under penalty of law that the above information is true and correct.

[redacted]

State Farm®

Sworn Statement in Proof of Loss
Personal Articles Policy

Claim Number 47-22Z8-737

[redacted], submit the following answers and listed attachments as my proof of loss:

The time of loss was August 6, 2013 (Date) at 12:07 (Time) ◯ A.M. ◉ P.M.

I believe the cause of the loss was Kidnapping, beating, robbery.

I believe the location of the loss was South Mission District of San Francisco.

I believe the facts of the loss are I have explained in great detail, but the short version is that I was met at the Oakland the Oakland Airport by what I thought to be a legitimate car service, but turned to be very different. I was taken to a vacant area where two additional men got into the car, put a hood over my head, beat me, and robbed my of everything I had, including my shoes. Please see previously made reports.

I do not (do / do not) have other insurance which applies to the structure and/or personal property covered by this policy. The other company providing the coverage is ________.

I am not (am / am not) attaching a detailed estimate of repair from ________ of the damaged property.

I ______ (am / am not) attaching an inventory which shows in detail the quantity, description, actual cash value, and amount of loss of all personal property for which I am making claim. I am making claim for $ 41,000 for damaged property.

I assign to State Farm® all my rights of recovery against any person for this loss, to the extent that payment is made, and agree to cooperate with State Farm in a reasonable manner and do nothing to prejudice this right of recovery.

I did not cause or procure this loss; nothing has been done by or with my consent or agreement to violate the provisions of the policy so as to render it void. I have not concealed or attempted to deceive State Farm as to the extent or cause of this loss in any manner.

It is agreed that State Farm is not giving up any rights by supplying this form or by assisting in the completion of this proof, and I am not giving up any rights by completing and submitting this form.

It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits.

[redacted]

STATE OF WASHINGTON
COMMISSION EXPIRES
JULY 29, 2015

State Farm® insurance policies, applications, forms and required notices are written in English. This document has been translated for your convenience. In the event of any difference in interpretation, the English language version controls.

Charlotte Jones Opticians
676 9th Avenue, New York, NY 10036
P: 646-707-3160/646-707-3200
F: 646-707-3143
www.CharlotteJonesOpticians.com

August 15, 2013

[redacted]

Frame:	$400.00
Lenses (Progressive):	629.00
Anti-reflective treatment:	165.00
Shipping and Handling:	75.00
Total:	$1,269.00
Payment received:	- 1,269.00
Balance Due:	$0.00

SEPHORA
UNIVERSITY VILLAGE
2618 NE University Village Street
Seattle, WA 98105
(206) 526-9110

BEAUTY INSIDER SALE

PETITE MANI KIT PINK 1457761 20.00 T

CELEBRATE BI BONUS PNT CW
1563683 0.00

SUBTOTAL $20.00
Sales Tax 9.50% $1.90
TOTAL $21.90
MASTERCARD USD$21.90
6121
PURCHASE
SWIPED
APPROVED
AUTH# 58163B
INVOICE #: 29741
08-12-2013 05:39AM
REFERENCE #: 00000040

****
PLEASE SAVE YOUR RECEIPT
Returns without receipt will require a valid government issued photo ID that will be swiped, scanned or manually entered at the time of the return. Information from your ID will be retained in a 3rd party database of customer return activity that Sephora uses to authorize returns and prevent fraud. Information in this database will not be used for marketing purposes.
****

6600020001297411592903

ITEMS 2
08-12-2013 12:39PM 0200 01 113456 29741

SEPHORA
You + Sephora

---

at&t

UNIVERSITY VILLAGE RETAIL STORE
4626 25TH AVE NE, AT&T Store
SEATTLE, WA 98105
(206) 729-7184
Store No. S028 Register No. 52

[redacted]

SalesPerson cv318a
75859 HSD ALIPH ERA MON BT 0 129.99
1 @ 129.99

SUBTOTAL 129.99
TAX 12.35
TOTAL AMOUNT DUE 142.34
DEBIT CARD TENDERED 142.34
Acct No. XXXXXXXXXXXX4822
Auth No. 331108
Trace No. 590670

CHANGE DUE 0.00

CASHIER: DAVID B
XS0282LDQP5G8

08/12/2013 14:39:45
CUSTOMER COPY

RADIOSHACK THANKS YOU.

RADIOSHACK
UNIVERSITY VILLAGE
4610 25TH AVE NE
SEATTLE, WA 98105-4183
(206) 523-0534

Last Valid Day for Return is 9/11/2013, see back of receipt for full return policy

2700053 $19.99
DUAL PORT USB CLA

SubTotal $19.99
Tax 9.50% $1.90
TOTAL $21.89

MasterCard $21.89
CHANGE $0.00

Total Items Sold: 1

Card number: ************6121 N
Tran # 72189755
Authorization 99749B
Host Captured Y $21.89

E-Cycle Washington: Free recycling of computers, monitors, laptops and TVs. For recycling locations, call 1-800-RECYCLE.
www.ecyclewashington.org

Store: 013365 Register: 03 Tran: 7015
Operator: MA Sales Associate: MA
Ticket #: 037015 8/12/2013 12:55:56 PM

TARGET
EXPECT MORE. PAY LESS.

PORTLAND NW - 503-205-9109
08/13/2013 11:07 AM EXPIRES 11/11/13

ENTERTAINMENT-ELECTRONICS

056060105	DANE-ELEC	N	$34.99
056060761	DANE	N	$13.99
056120313	LEXAR	N	$29.98
	2 @ $14.99 ea		
056120329	DANE-ELEC	N	$69.98
	2 @ $34.99 ea		
207000189	ACC	N	$14.99

SUBTOTAL $163.93
NO TAX $0.00
TOTAL $163.93

*4822 DEBIT TOTAL PAYMENT $163.93

REC#2-3225-2779-0112-7926-9 VCD#752-283-237

MONTHLY
$1500
GIFTCARD

PLUS 6
Instant
winners!

TELL US ABOUT YOUR VISIT WITHIN 72 HOURS
ON OUR NEW SHORTER SURVEY:

www.informtarget.com
User ID: 7677 4722 1988
Password: 720 731

For a monthly chance to win:
One $1,500 TGT GiftCard national sweepstakes
---PLUS---
Six $25 instant TGT GiftCard winners/state

EN UN PLAZO DE 72 HORAS
CUÉNTENOS SOBRE SU VISITA USANDO
NUESTRA NUEVA Y CORTA ENCUESTA:
www.informtarget.com

Tenga la oportunidad mensual de ganar:
Una tarjeta TGT GiftCard de $1,500 en un
sorteo nacional Y
Seis ganadores por estado al instante de
una tarjeta TGT GiftCard de $25.

18+ TO ENTER,
TARGET TEAM AND FAMILY NOT ELIGIBLE.
FOR COMPLETE RULES, SEE GUEST SERVICE
OR WWW.INFORMTARGET.COM

SONY

4633 27th Ave NE
Seattle, WA 98105
206-525-1200

Transaction: 10298 Date: 8/7/13
Store: 80 Register: 1
Salesperson:
(1000300302) Nathan
Cashier: 1000300302
[redacted]

Sales Receipt

Model #	QTY.	Price	Amount
Purchase			
Carrying Case - Duo13			
VGPCK2	1	$49.99	$44.99
Salesperson: 1000300302 (Nathan)			
10% EPP Discount (10%)			($5.00)
VAIO Duo 13 Ultrabook			
SVD1321APXB	1	$2699.99	$2699.99
Salesperson: 1000300302 (Nathan)			
#: WA000800112534			
3 Yr Express Ship Plan w/ADH			
PPSNB3X07	1	$399.99	$399.99
Salesperson: 1000300302 (Nathan)			

[redacted]

Subtotal	$3144.97
TAX	$298.77
Total	$3443.74
Credit Card Offline	$3443.74

Microsoft

Visit us online at www.microsoftstore.com

Microsoft Store
University Village
2624 NE University Village St
Seattle, WA 98105
(206) 834-0680

8/7/2013 15:18
[redacted]

1 Microsoft Office365 Home Prem 32/64 English
Subscr 1YR US/Canada Only Medialess
6GQ-00024 $ 99.99
($ 99.99 EA)

Sub-Total	$ 99.99
Tax WA-0013	$ 9.50
(0.90%)	$ 0.90
(2.10%)	$ 2.10
(6.50%)	$ 6.50
Total	$ 109.49
Cash	$ 109.49

Microsoft

Visit us online at www.microsoftstore.com

Microsoft Store
University Village
2624 NE University Village St
Seattle, WA 98105
(206) 834-0680

8/7/2013 14:06
[redacted]

1 Nokia Lumia 920 AT&T Yellow
CYF-00077 $ 499.00
($ 499.00 EA)
S/N: 1708164

1 Microsoft Answer Desk Out of Box Ex
DQF-00072 Exempt $ 0.00
($ 0.00 EA)

Sub-Total	$ 499.00
Tax WA-0013	$ 47.41
(0.90%)	$ 4.49
(2.10%)	$ 10.48
(6.50%)	$ 32.44
Total	$ 546.41
Cash	$ 550.50
Change back (Cash)	$ 4.09

Storer Enterprises Inc. Est 1988
Airport Towing
www.AirportTow.com

817 SW 149th St.
Seattle, WA 98166
Fax: (206) 248-1099

(206) 243-6252

P.O. #

DATE	ENROUTE	@ SCENE	LOADED	CLEAR	REQUESTED BY
[redacted]				2031	Pvt.

PHONE # [redacted]

[redacted] STATE WA ZIP [redacted]

R/O DL# [redacted]

YEAR	MAKE	MODEL	COLOR	ODOMETER
01	Toyota	4Runner	Champ	107,422

[redacted]

LOCATION OF VEHICLE: SeaTac Airport

TOWED TO [redacted] [redacted]

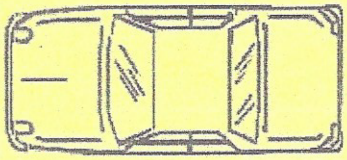
2ND TOW

RELEASED BY	DATE	TIME	TOTAL STORAGE

REASON FOR TOW
- ☐ ACCIDENT ☐ BREAK DOWN
- ☐ ABANDONED ☐ UNREGISTERED
- ☐ NO START ☐ OUT OF GAS
- ☐ FLAT TIRE ☐ FIRE LANE
- ☐ LOCK OUT ☐ UNAUTHORIZED
- ☐ TOW ZONE ☐ ARREST
- ☐ EXPIRED TABS ☐ IMPOUNDED
- ☑ No Keys

TYPE OF TOW
- ☐ SLING/HOIST
- ☑ FLAT BED/RAMP
- ☐ WHEEL LIFT
- ☐ UNDER REACH
- ☐ JUMP START
- ☐ UNLOCK
- ☐ TIRE CHANGE
- ☐ PULL START
- ☐

PERSONAL'S TAKEN BY	DATE	TIME



KEY #

SPECIAL EQUIPMENT USED
- ☐ WINCH ☐ FLARES
- ☐ DOLLIES ☐ SCOTCH BLOCKS
- ☐ RAMPS ☐ ABSORBENT
- ☐ SNATCH BLOCKS ☐ ______

OTHER SERVICES
- ☐ DRIVELINE
- ☐ SWEEP
- ☐ REMOVE AXLE
- ☐ SECURE LOOSE PARTS

METHOD OF PAYMENT
☑ CASH ☐ AUTH # ______
☐ ☐ ☐ ____ EXP. ____ CCV ____
CREDIT CARD #

DATE

AUTHORIZED SIGNATURE X [signature] DATE 8/7/13
I agree to hold this company harmless for any damages due to towing or services rendered

MILEAGE
FINISH 82229
START 82194
TOTAL 35

SERVICE TIME
FINISH 2031
START 1919
TOTAL 1:12

FINISH
START
TOTAL

DRIVER # 95 TRUCK # AE13

TOWING 1 @ $ 85.00	85	00
MILEAGE 35 @ $ 6.00	210	00
LABOR @ $		
STORAGE @ $		
TOW OUT		
CASH		
SUBTOTAL	295	00
TAX	28	03
TOTAL	323	03

120276

We cannot be responsible for damages caused by faulty tires, bumper brackets, etc. This company assumes no responsibility for loss or damage by theft, fire or any other cause beyond our control, to any vehicle placed with them for storage or towing.

©1999 AW Direct, Inc.
THANK YOU!
PRODUCT 8764
AW DIRECT (800) 243-4900

STATE FARM INSURANCE

Contents Inventory Summary

Created on 09-23-13

Customer: [redacted]
([redacted]

Claim Number: 4724G7895
Policy Number: 47BWS6442
Personal Property Limits: $200,600.00
Claim Handler: Jennifer Fisher
(888)857-2926
Unit: 41

Date of Loss: 08-06-2013
Catastrophe Code:

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
1	1	Shirt		Actual Cash Value	130.20	0.00	0.00	130.20	130.20	130.20	0.00	130.20	0.00	0
2	1	Socks		Actual Cash Value	21.70	0.00	0.00	21.70	21.70	21.70	0.00	21.70	0.00	0
3	1	Belt - Ostrich		Actual Cash Value	162.75	40.00	65.10	97.65	162.75	97.65	0.00	97.65	65.10	1
4	1	Condo key fob / Enso		Replacement Cost	75.00	0.00	0.00	0.00	75.00	75.00	0.00	75.00	0.00	0
5	1	Wallet		Actual Cash Value	10.85	9.95	1.08	9.77	10.85	9.77	0.00	9.77	1.08	1
6	1	Folio		Actual Cash Value	32.55	40.00	13.02	19.53	32.55	19.53	0.00	19.53	13.02	1
7	1	Leather Attache envelope		Actual Cash Value	162.75	10.00	16.27	146.48	162.75	146.48	0.00	146.48	16.27	1
8	1	Computer Pouch / Sony duo 13		Insured Replaced	43.79	0.00	0.00	0.00	43.79	43.79	0.00	43.79	0.00	0
9	1	Computer / Sony Vaio Duo 13 Ultrabook	HC	Insured Replaced	2,956.49	0.00	0.00	0.00	2,956.49	2,956.49	0.00	2,956.49	0.00	0
10	1	Eyeglasses gold & wood		Actual Cash Value	1,300.00	10.00	130.00	1,170.00	1,300.00	1,170.00	0.00	1,170.00	130.00	1
11	1	Sunglasses prescription / Charlotte Jones Opticians		Insured Replaced	1,269.00	0.00	0.00	0.00	1,269.00	1,269.00	0.00	1,269.00	0.00	0

Working Copy

* Indicates an item was ordered through Replacement Service.
** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

Working Copy

Claim Number: 4724G7895 **Customer:** HUGH M HOCHBERG

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
12	1	Eyeglasses - Theo / prescription glasses		Actual Cash Value	500.00	30.00	150.00	350.00	500.00	350.00	0.00	350.00	150.00	1
13	1	CASH U.S.	MO	Replacement Cost	150.00	0.00	0.00	0.00	150.00	150.00	0.00	150.00	0.00	0
14	1	Razor		Actual Cash Value	303.80	33.33	101.26	202.54	303.80	202.54	0.00	202.54	101.26	1
15	1	Shaving gear		Actual Cash Value	54.25	9.99	5.42	48.83	54.25	48.83	0.00	48.83	5.42	1
16	1	Cell Phone Nokia / Lumia 920	HC	Insured Replaced	546.41	0.00	0.00	0.00	546.41	546.41	0.00	546.41	0.00	0
17	1	iPhone / iPhone 4 - 32 gb	HC	Actual Cash Value	434.00	16.67	72.33	361.67	434.00	361.67	0.00	361.67	72.33	1
18	1	Pencil Montblank / burgandy mechanical pencil		Actual Cash Value	301.63	10.00	30.16	271.47	301.63	271.47	0.00	271.47	30.16	1
19	1	Watch - Rolex / Vintage pol lmts pd under PAP	JF	Replacement Cost	2,807.75	0.00	0.00	0.00	2,807.75	2,500.00	0.00	2,500.00	0.00	0
20	1	Watch - Heuer / vintage paid limits under pap	JF	Replacement Cost	1,674.62	0.00	0.00	0.00	1,674.62	1,674.62	0.00	1,674.62	0.00	0
21	1	Microsoft Office 365 / Software for laptop	HC	Insured Replaced	109.49	0.00	0.00	0.00	109.49	109.49	0.00	109.49	0.00	0
22	1	Computer Protection Plan / Sony - prev plan expired	HC	Not Covered	437.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0
23	1	Passport & doc replacement		Insured Replaced	490.00	0.00	0.00	0.00	490.00	490.00	0.00	490.00	0.00	0
24	1	Cables		Actual Cash Value	54.25	33.33	18.08	36.17	54.25	36.17	0.00	36.17	18.08	1
25	1	Chargers		Actual Cash Value	54.25	33.33	18.08	36.17	54.25	36.17	0.00	36.17	18.08	1
26	1	Sony headphones / Noise cancelling		Actual Cash Value	54.25	33.33	18.08	36.17	54.25	36.17	0.00	36.17	18.08	1
27	1	Boxer Brief / Costco 4pk $10.99		Actual Cash Value	2.98	33.22	0.99	1.99	2.98	1.99	0.00	1.99	0.99	1

* Indicates an item was ordered through Replacement Service.

** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

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Working Copy

Claim Number: 4724G7895

[redacted]

Item No.	Qty	Item Description / Mfg	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depr %	Depreciation Amount	Actual Cash Value	Our Cost to Repair/ Replace (includes tax if applicable)	Total this Settlement	Previous Payments	Payments to Date	Replacement Cost Available **	Qty Avail for RC **
28	1	Duffle bag / Costco		Actual Cash Value	10.85	24.98	2.71	8.14	10.85	8.14	0.00	8.14	2.71	1
29	1	Shoes - mens loafers / Nordstrom replaced w/more exp		Insured Replaced	217.00	0.00	0.00	0.00	217.00	217.00	0.00	217.00	0.00	0
30	1	Cash - Euros / US $ equivalent $100 euros	MO	Replacement Cost	131.13	0.00	0.00	0.00	131.13	50.00	0.00	50.00	0.00	0
31	1	Cash - Candadian / US $ equivalent CA $	MO	Replacement Cost	98.65	0.00	0.00	0.00	98.65	0.00	0.00	0.00	0.00	0
				Totals	14,598.38		642.58	2,948.48	14,160.39	13,030.28	0.00	13,030.28		

Policy Deductible:	$1,000.00
Deductible Absorbed:	$487.53
Personal Property Over Limits:	$0.00
Total Replacement Cost Available:	$642.58

Total For All Settlements:	$13,030.28
Less Deductible Applied:	$512.47
Less Advances and Other Payments:	$0.00
Less Ordered Items:	$0.00
Less Previous Payments to Customer:	$0.00
Plus Customer Payments:	$0.00
Amount Due Customer:	$12,517.81

Working Copy

* Indicates an item was ordered through Replacement Service. ** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

Working Copy

Claim Number: 4724G7895 [redacted]

Special Limits Involved:

SPECIAL LIMIT LIABILITY		Item Limit	Amount Over Special Limit (per item)	Aggregate Limit	Amount Over Special Limit (aggregate)	Replacement Cost Available (if applicable)
BP	BUSINESS PROPERTY	0.00	0.00	1500.00	0.00	**
FA	FIREARMS	0.00	0.00	2500.00	0.00	**
HC	HOME COMPUTERS	0.00	0.00	10000.00	0.00	**
JF	JEWELRY & FUR	2500.00	307.75	5000.00	0.00	**
MO	MONEY	0.00	0.00	200.00	179.78	**
OR	ORIENTAL RUGS	5000.00	0.00	10000.00	0.00	**
SG	SILVER & GOLD WARE	0.00	0.00	2500.00	0.00	**
SI	SECURITIES & NEGOTIABLE INSTRUMENTS	0.00	0.00	1000.00	0.00	**
ST	STAMPS & TRADING CARDS	0.00	0.00	2500.00	0.00	**
TR	TRAILERS	0.00	0.00	1500.00	0.00	**
WC	WATERCRAFT	0.00	0.00	1500.00	0.00	**

Working Copy

Important Information - Additional Payments May be Available for Replacement Cost - Personal Property:

Your policy may provide for additional payments on a replacement cost basis for some of your personal property items.

The personal property items must be repaired or replaced within a specified period of time in order to present a claim for additional payments on a replacement cost basis. Please refer to your policy for specific time limits and additional settlement provisions. Depending on the amount you spend, the column entitled "Replacement Cost Available" lists the additional payment you may be eligible to receive when each item is repaired or replaced.

Following repair or replacement, please submit your documentation to us referring to the claim number and item number.

Please contact your claim representative if you have any questions.

* Indicates an item was ordered through Replacement Service.

** The amount of Replacement Cost Available is subject to policy limitations.

Item No = Item Number Qty = Quantity Mfg = Manufacturer Spcl Lmt = Special Limit Depr = Depreciation RC = Replacement Cost Avail = Available

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

PAYMENT NO 1 15 232052 J
PAYMENT AMOUNT $12,517.81
ISSUE DATE 09-23-2013
AUTHORIZED BY FISHER, JENNIFER
PHONE (888) 857-2926

CLAIM NO 47-24G7-895
LOSS DATE 08-06-2013
[redacted]

[redacted]

START DATE 09-23-2013
END DATE 09-23-2013

REMARKS renters policy settlement

COVERAGE DESCRIPTION	ON BEHALF OF	AMOUNT
THEFT	[redacted]	12,517.81

RETAIN STUB FOR RECORDS

PAYMENT NO 1 15 231862 J
PAYMENT AMOUNT $100.00
ISSUE DATE 09-23-2013
AUTHORIZED BY FISHER, JENNIFER
PHONE (888) 857-2926

CLAIM NO 47-22Z8-737
LOSS DATE 08-06-2013
POL[redacted]

[redacted]

START DATE 09-23-2013
END DATE 09-23-2013

REMARKS deductible

COVERAGE DESCRIPTION	ON BEHALF OF	AMOUNT
THEFT	[redacted]	100.00

RETAIN STUB FOR RECORDS

EXHIBIT 6

[redacted]

From: Healy, Paul F. [mailto:Paul.Healy@ic.fbi.gov]
Sent: Wednesday, October 15, 2014 12:09 PM
To: Martin, Brigid (USACAN)
Subject: Telephone call I had with an Attorney's Office today

Brigid,

I received a call from the Law Offices of Matthew Quinlan, they advised they are representing [redacted] was the victim of a Craigslist robbery on 2/9/2013 in Oakland. [redacted] flew up here from San Diego CA. He filled out a victim witness form for Alameda County that was a request for restitution. This information was provided to the FBI Victim Witness coordinator and should be in the system. Silva reported a loss of a 2.71 carat diamond with 68 smaller diamonds around it, total estimated loss of $55,000.

[redacted]

EXHIBIT 7

UNITED STATES v. Michael Martin, et al.
USAO #
Court Docket #

VICTIM IMPACT STATEMENT/VIOLENT CRIME

NAME: D[redacted] M[redacted]

Please continue statements on an additional sheet of paper if you wish.

How have you and members of your family been affected by this crime?

I was robbed, beaten up, a tooth knocked out. Life threatened

Have you or members of your family received counseling or therapy as a result of this crime? Please explain. Do you wish future counseling to assist you and/or your family in recovering from the crime? No

Have you filed a civil suit against the defendant? If yes, please list the case name, court location, and docket number. No

Do you relate to people differently since the crime? Please explain.

No

VICTIM IMPACT STATEMENT/VIOLENT CRIME

Have your feelings about yourself and society changed since the crime? Please explain.

No

How has the crime affected you and your family's lifestyle?

No

Has the crime affected your family's livelihood? If so, how?

No

Have you experienced any of the following reactions to the crime:
PLEASE REALIZE THESE ARE NORMAL REACTIONS TO A TRAUMATIC EVENT.

___ Anger ___ Anxiety ___ Fear ___ Grief ___ Guilt ___ Sleep Loss ___ Nightmares

___ Appetite Change ___ Unsafe ___ Trouble Concentrating ___ Easily startled

___ Forgetfulness ___ Depression ___ Chronic Fatigue ___ Repeated Memory of Crime

___ Fear the Defendant Will Return ___ Uncontrolled Crying

Please describe any other reactions to the crime committed.

Do you feel the defendant is or will be a threat to you, your family or the community?

___ Yes ✓ No If so, please explain.

What else would you like the Judge to know about the defendant, the victim or your family?

Being Locked up he/they can not Do This again to others

FINANCIAL STATEMENT:

A. Damages

1. List money or property lost, destroyed or damaged and its value. (Wherever possible, attach receipts, repair bills, etc.)

Rolex watch..... $ 30,000
Phone / IPad..... $ 2,000

2. List medical expenses (again, attach any supporting receipts) and /or out of pocket costs for funeral expenses.

Dental Work.....$ 30,000
_____.....$ _____

3. List lost income or wages for which you have not been compensated. (Attach verification).....$ 0

4. List miscellaneous expenses (type and amount). Include such items as necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense. (Attach verification)

_____ ....$ _____
_____ ....$ _____
_____ ....$ _____

5. List expenses for counseling or therapy.$ 0 Are you currently in therapy? NO

Have you applied for State Victim Compensation or other Programs to assist in paying for costs such as counseling or medical bills, that may also be eligible to be repaid through restitution? Yes _____ No ✓

Program name and address: _____

TOTAL LOSS .....$ 62,000

B. Reimbursement received (please attach receipts)

1. Property insurance.....$ 26,000
2. Medical insurance.....$ 2,000
3. State Victim Compensation.....$ 0
4. Other (list source and amount) (a) ____________.....$______________

(b) ____________.....$__________ (c) ____________....$______________

TOTAL REIMBURSEMENT .....$ 28,000

****

I declare [redacted] true and correct.

Print Nam[redacted]

Signature: [redacted]

Date: 2/16/16

RECEIVED
2016 FEB 25 PM 4:12
US ATTORNEY'S OFFICE
SAN JOSE, CA

EXHIBIT 8

July 11 victim

UNITED STATES v. Michael Martin, et al.
USAO #
Court Docket #

VICTIM IMPACT STATEMENT/VIOLENT CRIME

NAME: [redacted]

Please continue statements on an additional sheet of paper if you wish.

How have you and members of your family been affected by this crime?

Please see attached sheet of paper that addresses these questions for you.

There is also another attachement that contains documents showing value of losses.

Have you or members of your family received counseling or therapy as a result of this crime? Please explain. Do you wish future counseling to assist you and/or your family in recovering from the crime?

"

Have you filed a civil suit against the defendant? If yes, please list the case name, court location, and docket number.

no

Do you relate to people differently since the crime? Please explain.

"

Have your feelings about yourself and society changed since the crime? Please explain.

" ____

____

How has the crime affected you and your family's lifestyle?

____

" ____

____

Has the crime affected your family's livelihood? If so, how?

____

" ____

Have you experienced any of the following reactions to the crime:
PLEASE REALIZE THESE ARE NORMAL REACTIONS TO A TRAUMATIC EVENT.

___ Anger ___ Anxiety ___ Fear ___ Grief ___ Guilt ___ Sleep Loss ___ Nightmares

___ Appetite Change ___ Unsafe ___ Trouble Concentrating ___ Easily startled

___ Forgetfulness ___ Depression ___ Chronic Fatigue ___ Repeated Memory of Crime

___ Fear the Defendant Will Return ___ Uncontrolled Crying

Please describe any other reactions to the crime committed.

____

" ____

Do you feel the defendant is or will be a threat to you, your family or the community?

___ Yes ___ No If so, please explain.

____

" ____

What else would you like the Judge to know about the defendant, the victim or your family?

____

"

____

____

FINANCIAL STATEMENT:

A. Damages

1. List money or property lost, destroyed or damaged and its value. (Wherever possible, attach receipts, repair bills, etc.)

__________..... $ ______

see attachment..... $ ______

2. List medical expenses (again, attach any supporting receipts) and /or out of pocket costs for funeral expenses.

none.....$ ______

__________.....$ ______

3. List lost income or wages for which you have not been compensated. (Attach verification).....$ ______

4. List miscellaneous expenses (type and amount). Include such items as necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense. (Attach verification)

dog care at trial ....$ 60

parking ....$ 22

__________ ....$ ______

5. List expenses for counseling or therapy.$ req 2000 Are you currently in therapy? no

Have you applied for State Victim Compensation or other Programs to assist in paying for costs such as counseling or medical bills, that may also be eligible to be repaid through restitution? Yes ____ No ____

Program name and address: please see related Q; we're asking for counseling

____

TOTAL LOSS .....$ 23786-2954

B. Reimbursement received (please attach receipts)

1. Property insurance.....$ 0

2. Medical insurance.....$ 0

3. State Victim Compensation.....$ 0

4. Other (list source and amount) (a) 0 ____________ .....$ ______________

(b) ____________ .....$ ____________ (c) ____________ ....$ ______________

TOTAL REIMBURSEMENT .....$ 0 to date

****

I declare under penalty of law that the above information is true and correct.

Print Name [redacted]

Signature: [redacted]

Date: 03-02-2016

VICTIM IMPACT STATEMENT/VIOLENT CRIME with 7 page attachment

NAME: [redacted]

How have you and members of your family been affected by this crime?

It's been difficult for me to review this experience—I've attempted to fill out this form well over a dozen times: It's stressful to face the experience: I sometimes feel threatened again and seem to re-live it.
In some way, I feel like easy pickings—and less steady—like I'm standing on a wobbly fence.
I am much less sure that people's motivations are good, I tend to question my judgment over, so I find myself frequently doubting peoples motives, when I just didn't do that before
I've developed a startle reflex when something unexpected enters my peripheral vision.
Having said this, my mental attitude however is to consider these changes temporary, like it's just a blip in my life. My attitude is that any negative repercussions that have affected us won't be permanent.
And I remind myself that my experience was certainly less traumatic than others have had, who were physically hurt.
In short, I'm still working on erasing or reversing whatever has changed. I'm rather confident.

Have you or members of your family received counseling or therapy as a result of this crime? Please explain. Do you wish future counseling to assist you and/or your family in recovering from the crime?

Prior to going to Oakland to testify, my daughter and I were told that we would be able to get counseling. But since then, we've been told that it won't necessarily be approved. It's been highly recommended that we visit local low-income services for counseling-so I understand the need to save money. But, like finding a doctor, I do best when getting help from a professional, who has been specifically recommended to me and I trust. I haven't had good experiences doing it other ways, and since I only want to describe my experience once, to a counselor I have faith in, I'm requesting approval for counseling up to an appropriate amount for both myself and my daughter. My daughter already knows a counselor she has confidence in. We are not in a financial position in which we can risk getting into debt for this, so we can't start counseling unless we're sure in advance that it will be paid for.

Do you relate to people differently since the crime? Please explain

I feel weaker, less trusting that people's motivations are especially good.
I am more skeptical of people motivations than I've been and spend more time second-guessing someone motivations
I find my thoughts sometimes drift, unbidden, to people's motivations, but I'm glad that I can always trust my family's motivations, so I'm basically on solid ground.

Have your feelings about yourself and society changed since the crime? Please explain

I was surprised the government was able to identify the details of the crime.
I see that there are people who haven't gotten the opportunity to learn a way to make a living within the law.
Since this experience involved people of color, I find myself purposely engaging with them, to try to get back to feeling natural. And that's going fine.
I'm wary of going to Oakland, except in the company of an FBI agent because the agent who accompanied us through the trial left a good impression.

How has the crime affected you and your family's lifestyle?

My lifestyle was adversely affected because I was selling the diamond to take care of several needs that weren't met.
Some involved fixing and taking care of maintenance issues in my home, and to give a "good faith" payment to my mortgage holder, to keep my home out of foreclosure. I also had personal, and other family needs, such as dental treatment, which still haven't been done. I was standing on a wobbly fence and thought I'd have more security.

Has the crime affected your family's livelihood? If so, how?

As it is, the income I was expecting would have helped with leaking that led to more damage to the home internally. Since my income comes from renting rooms, I have to be sure the maintenance is up-to-date.

Have you experienced any of the following reactions to the crime:

Checked: Anxiety, Fear, Sleep Loss, Nightmares, Unsafe, Easily Startled, Forgetfulness, Repeated Memory of Crime, Uncontrolled Crying

Please describe any other reactions to the crime committed.

I feel somewhat confident that the defendant wasn't given the opportunity to learn a different "trade" growing up.
As for my daughter's reaction, it has been very upsetting because she was more affected than I realized. It was horrendous.
After my testimony, we hugged and I've never seen her face so badly contorted, which still saddens me a great deal
Although I realize now, after being told a few times, that I was too trusting

Do you feel the defendant is or will be a threat to you, your family or the community?

I don't think so, but there are others in my family who aren't as sure.

What else would you like the Judge to know about the defendant, the victim or your family?

Just that I appreciate the work of the judge, the DA, the jury and FBI personnel that helped me.

[redacted]

Losses:

Diamond—wholesale value: based on its exact characteristics:
ranges between $23,260 – 29,016

Washington Diamond:	$23,260 ("wholesale")	
Max Diamond Price Guide	$25,058 ("suggested retail")	
Info Diamond:	$29,106 ("minimum price")	
Cost of GIA certification (taken with purse) … about		$220
Iphone; although the phone cost more when I bought it, and I believe I was also charged for breaking the phone's contract, today it's value is:		$249
Defendant paid for majority of air ticket: I paid the remainder at the airport:		$47
Airport parking:		$10
		$23,786 – 29,542

If counseling approved,
please let my daughter and I submit professional counselor invoices for up to $2000, if that's ok.

For Victim Impact Statement / Violent Crime:

[redacted]

Financial statement: list of losses, with costs, involved in the robbery/assault:

Some things I lost weren't financial losses, but her is a list of losses I can verify to some degree.

The value of my purse, childhood and family photos, work-in progress for book I'm editing, change of clothes, etc. aren't clearly known. Physical value may be around $100.

Note[redacted]as helped me with accounting and other office work. She made a list of the most valua[redacted]d provided documents concerning their value. When there wasn't an actual receipt, she supplied what she believed to be an accurate value or range, supported by a traditionally accepted source. For example, to determine the value of the diamond, she used the criteria listed on a certificate / report that was issued from the Gemological Institute of America.

Losses:

Diamond—wholesale value: based on its exact characteristics: ranges between		$23,260 – 29,016
Washington Diamond:	$23,260 ("wholesale")	
Max Diamond Price Guide	$25,058 ("suggested retail")	
Info Diamond:	$29,106 ("minimum price")	
Cost of GIA certification (taken with purse) … about		$220
Iphone; although the phone cost more when I bought it, and I believe I was also charged for breaking the phone's contract, today it's value is:		$249
Defendant paid for majority of air ticket: I paid the remainder at the airport:		$47
Airport parking:		$10
		$23,786 – 29,542

If counseling approved,
please let my daughter and I submit professional counselor
invoices for up to $2000, if that's ok.

30351602 T 5160

APLAND, Inc.
216 Oak St
Hood River, OR 97031-2028
United States

110104544647

JOB: 75465883 21

February 28, 2013
GIA Report: 2151290325
Inscription Registry: GIA 2151290325
Round Brilliant
7.47 - 7.58 x 4.44 mm
Carat Weight: 1.54 carat
Color: F
Clarity: VVS1
Cut: Very Good
Total Depth: 59.1%
Table Size: 64%
Crown Angle: 34.0°
Crown Height: 12.0%
Pavilion Angle: 41.4°
Pavilion Depth: 43.5%
Star Length: 65%
Lower Half: 75%
Girdle: Thin to Medium(3.5%)
Culet: None
Polish: Very Good
Symmetry: Very Good
Fluorescence: None
Comments: None
Key to Symbols: Feather, Natural

The World's Foremost Authority in Gemology™
www.gia.edu

GIA
Gemological Institute of America

February 28, 2013
GIA Report: 2151290325
Ins Reg: GIA 2151290325
Round Brilliant
7.47 - 7.58 x 4.44 mm
Carat Weight: 1.54 carat
Color: F
Clarity: VVS1
Cut: Very Good
TBL: 64% TD: 59.1%
CA: 34.0° PA: 41.4°
ST: 65% LH: 75%
Girdle: THN to MED(3.5%)
Culet: NON
Polish: Very Good
Symmetry: Very Good
Fluorescence: None
None
Key: Feather, Natural

Washington Diamond

Wholesale Price: $23,260.00
You'll pay this price or less at Washington Diamond!

Shape: Round

Carat Weight: 1.54 example: 0.98 or 1.73 or 3.95

Color Scale

D E F	G H I J	K L M N O P Q R	S T U V W X Y Z	
Colorless	Near Colorless	Faint Yellow	Very Light Yellow	Fancy Yellow

Color: F

Clarity Scale

Flawless	VVS1 VVS2 VS1 VS2 SI1 SI2	I1 I2 I3
Internally Flawless		Imperfect

Clarity: VVS1

Certification: GIA Lab (Your Best Choice) *

Proportions: Very Good *

Calculate Price Clear Fields

* Important price determinant

Info Diamond
Diamond & Jewelry
(http://www.info-diamond.com)

(http://www.info-diamond.com)

- Polished Diamond (http://www.info-diamond.com/polished/)
- Rough Diamond (http://www.info-diamond.com/rough/)
- Loose Diamond (http://www.info-diamond.com/diamonds/loose-diamonds.html)
- Colored Diamond (http://www.info-diamond.com/diamonds/fancy-color.html)

Diamond Jewelry (http://www.info-diamond.com/jewelry/diamond-jewelry.html)

Loose Diamond (http://www.info-diamond.com/diamonds/loose-diamonds.html) Rough Diamond (http://www.info-diamond.com/rough/) Polished Diamond (http://www.info-diamond.com/polished/) Diamond Subscriptions (http://www.info-diamond.com/members/)

Home (http://www.info-diamond.com/) | Other Items (http://www.info-diamond.com/others/) | Diamond Prices (http://www.info-diamond.com/others/diamond-prices.html) | Diamond Price: 1.54 carat F VVS1 Round Brilliant

Diamond Price: 1.54 carat F VVS1 Round Brilliant

Cut Shape (http://www.info-diamond.com/polished/cut.html)	Round Brilliant										
Carat Weight (http://www.info-diamond.com/polished/weight.html)	1.54 carat										
Color (http://www.info-diamond.com/polished/color.html)	D	E	F	G	H	I	J	K	L	M	
Clarity (http://www.info-diamond.com/polished/clarity.html)	IF	VVS1	VVS2	VS1	VS2	SI1	SI2	I1	I2	I3	
Diamond Price	$29,016.00										

(1) Please consult our paragraph «Comments».

Diamond Rarity

0	1	< à 5	< à 10	< à 20	< à 30	< à 40	< à 50	< à 100	< à 200	< à 300	< à 400	< à 500	> à 500

Number of diamond(s) available(s) on the international market.

Do you want more informations: use our expert mode!

Resale Price:	Which is the resale price? Who can repurchase it?	(http://www.info-diamond.com/members/polished-diamond-prices.html)
Fluorescence:	Which influence on price?	(http://www.info-diamond.com/members/polished-diamond-prices.html)
Cut Quality:	Which influence on price?	(http://www.info-diamond.com/members/polished-diamond-prices.html)
Gemological Certificate:	Which influence on price?	(http://www.info-diamond.com/members/polished-diamond-prices.html)
Diamond Value:	its value increase or decrease these last years?	(http://www.info-diamond.com/members/diamond-pricing.html)

New Search

Brilliant Round	Weight 1.54 carat	F	VVS1	Diamond Price >>

Free limited access (maximum 3 searches). **Subscription and fee required for unlimited access.**

Number of search available: 2

Comments

Diamond Price is the **minimum** price of this diamond in the retail (jewelry shop).

Click on this link to update our prices in your local currency or modify Tax (VAT).

> Others Items

- Diamond Prices (http://www.info-diamond.com/others/diamond-prices.html)
- Education, Training (http://www.info-diamond.com/others/education.html)
- Birthstones (http://www.info-diamond.com/others/surprises.html)
- Photo Gallery (http://www.info-diamond.com/others/gallery.html)
- Documentation and Books (http://www.info-diamond.com/others/book.html)
- Photomicrography (http://www.info-diamond.com/others/diamond-photomicrography.html)
- Metals Prices Charts (http://www.info-diamond.com/others/metals-prices.html)
- Website Directory (http://www.info-diamond.com/directory/)
- Quiz (http://www.info-diamond.com/quiz/)
- Diamond News (http://www.info-diamond.com/news/)

>> Jewelry Catalog

(http://www.info-diamond.com/jewelry/4-prongs-three-stones-ring-3606.html)

Three Stones Diamond Ring (http://www.info-diamond.com/jewelry/4-prongs-three-stones-ring-3606.html)

$2,397.00

MAX'S DIAMOND PRICE GUIDE

About Max | RealMarket Values | Learn About Diamonds | Tools | Guide to Online Diamond Retailers

RealMarket Value™ Report

Report Date
2 March, 2016

Shape
Round

Carat Weight
1.54

Grading Report/Certificate
GIA

Clarity Grade
VVS1

Color Grade
F

Cut Grade
Very Good

Find a Value For Another Diamond

View Max's Online Retailer Guide

Next Steps:

Find a Local Jeweler View Max's Online Retailer Guide

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Personal Business About AT&T Coverage Maps Store Locations & Appointments Language

White salmon, WA 98672 Change | Register (http://www.att.com/accounts/?source=IC4425i4900s2000)

Shop myAT&T Support Search

Wireless TV Bundles Internet Home Phone Digital Life Accessories Offers Shopping Help

Save cart Retrieve cart Empty cart Print

Order Summary

$30.00	$269.24	$0.00
Monthly	Due Today*	Added to 1st Bill

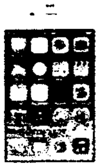
Wireless

Transfer Your Number

How does this work?

Want to see if you can keep your current number? Check eligibility

New line 1: Remove Line 1



			Monthly	Due Today
Device:	Apple iPhone 4s - 8GB - White - GoPhone Device Only (No Plan Required)	Change		$249.99
Plan:	$30 Monthly Plan	Change	$30.00	

Add accessories

		Monthly	Due Today
Wireless Subtotal*	$30.00	$0.00	$249.99

Add a line

Add a line

Add an additional line to your order.

Add accessories

Add accessories

Clearance: Up to 70% off select accessories†

Additional Order Details

		Monthly	Due Today
Shipping & Handling	Standard Shipping (FREE)		FREE
	Express Shipping (+$14.95)		
Estimated Sales Tax**			$19.25
Promotional Code	Apply		
Employee Referral ID	Apply		

Save cart Retrieve cart Empty cart

[redacted]

PMA® PRIME CHECKING ACCOUNT (CONTINUED)

Date	[redacted]				
[redacted]	[redacted]				
7/8	[redacted]			100.00	
7/8	[redacted]			15.99	
7/8	[redacted]			37.41	
7/8	[redacted]			148.83	
7/8	[redacted]			300.00	
7/8	[redacted]			150.00	
7/8	[redacted]			8.25	1,219.73
7/9	[redacted]			23.95	1,195.78
7/10	[redacted]			20.00	1,175.78
7[redacted]	[redacted]			6.40	1,169.38
7/12	Check Crd Purchase 07/12 Pdx Airport Parkin Portland OR 486830Xxxxxx5707 163193173570464 ?McC=7523			10.00	1,159.38
7/15	[redacted]	10494		60.00	
7/15		10501		25.00	
7/15	Check Crd Purchase 07/11 Southwes 526214 800-435-9792 TX			47.00	
[redacted]	[redacted]			8.02	
[redacted]	[redacted]			20.00	
[redacted]	[redacted]			325.00	674.36
[redacted]	[redacted]			203.37	
7/[redacted]	[redacted]			9.99	
[redacted]	[redacted]			6.47	
7/17	[redacted]			30.00	
7/17	[redacted]			20.97	
7/17	[redacted]			28.32	375.24
7/18	[redacted]		639.99		
7/18	[redacted]			200.00	815.23
7/19	[redacted]			10.00	805.23
7/22	[redacted]		113.00		
7/22	[redacted]			5.98	912.25
7/23	[redacted]			30.00	882.25
7/24	[redacted]			13.86	868.39
7/25	[redacted]			23.60	
7/25	[redacted]			400.00	
7/25	[redacted]			54.31	390.48

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